SUBJECT TO APPROVAL

Ontario Economic Council

A Review of Municipal Planning in Ontario

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Preface

This review of provincial policy governing the municipal planning process was undertaken at the request of the Ontario Economic Council. It is part of a series of studies of the development and future implications of government policy in Ontario.

It is the Council's hope that the publication of these policy reviews will contribute to a wider public understanding of the issues involved and the possibilities for constructive reform in an era of rapid change.

On behalf of the members of the Council I wish to express our thanks to the many people who participated in this review, and particularly to the members of the study group. We are convinced that they have prepared a document that, if it does not provide all the answers, should at least contribute to public discussion and debate in this vital area.

W. Donald Wood, Acting Chairman
March 1973

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Ontario Economic Council

Comay Planning Consultants Ltd.
P.S. Ross & Partners
Proctor, Redfern, Bousfield & Bacon

The Study Group

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Introduction

Planning has been a part of the municipal scene in Ontario for more than half a century, and during the past twenty-five years, since the passing of The Planning Act in 1946, it has attained wide acceptance as a legitimate function of local government. Although there has never been a comprehensive review during all of those years, it is not the passage of time alone which makes such an inquiry propitious. As will be seen, the municipal planning process is being called upon to meet new challenges in new ways, at an ever accelerating pace. All of this is coming at a time when public dissatisfaction with the process and its product is increasingly evident.

This review is one of a series of studies commissioned by the Ontario Economic Council with the objective of producing a rational, realistic and responsible set of social and economic goals for the development of the province over the next decade. Its focus is on provincial policies and procedures affecting the municipal planning process in Ontario.

The purpose of this review is to evaluate the effectiveness of those policies and procedures in the past, and to recommend new measures in the light of foreseeable changes for municipal planning over the next ten years. In the context of this report, the municipal planning process is taken to comprise two main activities: first, the ordering of the use of land, and the timing of its preservation, development or redevelopment; and second, the provision of planning advice on financial, social and public service programs and work projects of various kinds. The assignment involved an evaluation of the past results and an indication of the necessary responses in the light of the prospects ahead.

The terms of reference made it clear that this was not intended to be a study of provincial planning *per se*. This review is addressed to planning at the municipal level, and to provincial activity (or inactivity) only insofar as it affects the municipal planning scene. However, the authors must acknowledge only a partial success in preserving this distinction, chiefly because almost all provincial planning activity has some repercussions at the municipal level. Instead of attempting to draw a hard line of demarcation, the authors have been content to simply emphasize those provincial activities which appear to be essentially municipal in orientation, or to be of major significance for the municipal planning process.

In the conduct of this review, The Planning Act, the activities of the Community Planning Branch, the Regional Development Branch and their successors were the main areas of scrutiny at the provincial level. These were and are the principal (although by no means the exclusive) instruments of provincial policies and procedures relating to municipal planning activity. Attention is also directed to other legislation and to the actions of other departments, again with emphasis chiefly on places where direct and significant impact on the municipal level of planning is evident.

It is recognized, of course, that there are myriad ways in which provincial actions in fields other than planning affect municipalities, and which could have indirect effects on the way in which municipal planning is conducted. There are many fundamental changes which the Ontario Government may make (e.g., reform of the municipal revenue base, continuation of local government reorganization in new forms) which would alter or even revolutionize the status and strength of local government, with commensurate effects on the climate in which the local planning process is carried on. However, this is not a study of provincial-municipal relations in any broad sense. Once again, it is a matter of preserving the focus. Throughout this review, and particularly in the framing of recommendations, the authors were resolved to concentrate on what had been done and what might be done by the Province, having reasonably direct application to municipal planning.

The ten-year time period for the look ahead was welcomed as an eminently realistic feature in the terms of reference. Having in mind the rate at which change has occurred and which may be expected, a decade is regarded as a sufficient objective, and in its recom-

mendations this review is primarily concerned with what might be achieved by the end of the Seventies.

The basis of this Review was essentially a series of interviews with many persons who are, or who were, connected in some way with the municipal planning process in Ontario. Those interviewed, and those who participated in the seminars are listed in Appendix D. Of special note is the assistance afforded by Professor Dennis Hefferon, Osgoode Hall Law School, York University, particularly with respect to the evolution of The Planning Act and to new measurers for development control. The Study Group is deeply indebted to all of them, and expresses now its sincere gratitude for their assistance.

The Study Group also acknowledges its appreciation for the support of the Steering Committee throughout the period of the Review, and for causing a great deal of background data to be made available.

Finally, it must be recorded that this review was carried out during a period of major reorganization of the whole of the provincial administration stemming from the work of the Committee on Government Productivity. Many of the old and familiar names disappeared as various branches and agencies merged or were absorbed by new departments having new groupings and functions.

For ease of writing this report, it was decided to stay with the old names in Part I, which deals with past events, and to use the new names in Part II which is addressed to the years ahead.

Figure 1 contains the chart of the old Community Planning Branch of the Department of Municipal Affairs, and *Figure 2* shows the structure as it was brought under the Ministry of Treasury, Economics and Intergovernmental Services. It will be noted that the administration of The Planning Act (official plans and subdivisions) is now under the Plans Administration Branch, Municipal Services Division of Urban and Regional Affairs.

It may assist the reader by noting that the functions of the OWRC are now carried out by the Water Management Division, Ministry of the Environment. (The OWRC members now serve on the Environment Hearing Board.) The Department of Highways, and the Department of Transport are now parts of the Ministry of Transportation and Communications. The Department of Lands and Forests is now within the Ministry of Natural Resources.

Figure 1
Community Planning Branch
Department of Municipal Affairs

Figure 2
Urban and Regional Affairs
Ministry of Treasury, Economics and Intergovernmental Affairs

Synopsis of Recommendations

At the close of each chapter of Part II of this Review will be found a summary of recommendations put forward in that chapter. For the convenience of the reader, the recommendations are provided in this section in synopsis form. They are grouped under three main headings: Proposed Amendments to Planning Legislation; Proposed Changes in Policies and Procedures re Municipal Planning; and Proposed Amendments to Legislation and Changes in Policies of Wider Application. With each recommendation there is a reference to the chapter and section containing the discussion leading to that recommendation.

Proposed Amendments to Planning Legislation

A. Planning Jurisdiction

1. The responsibility for approving planning applications should be vested in the properly accountable policy-making body, in the first instance; the provincial minister concerned; and, where municipal planning capability is adequate, delegated through him to the local council exercising relevant jurisdiction. (Ch 13/Sec 4)

2. The plan-making function should be assigned directly to the municipal council. Planning boards should be phased out except where joint planning areas must continue to exist, until the local government reorganization program is completed. (Ch 14/Sec 1a)

3. The members of joint planning boards should be drawn from constituent municipal councils, and ministerial approval of membership should not be required. (Ch 14/Sec 1a)

4. Councils should be permitted to override joint planning board decisions (and those of other planning boards where they persist) by a simple majority. (Ch 14/Sec 1a)

B. Plan Making

5. The municipal plan should be maintained in its document form. (Ch 14/Sec 1b)

6. The present policy of making municipal plans mandatory only where conditions conducive to good planning exist should be continued. In these areas, periodic (five-year) comprehensive reviews also should be made mandatory. (Ch 14/Sec 1b)

7. The definition of municipal plans should be expanded to include social and economic aspects, and to enable the development of plans which focus on policies and strategies to accommodate the problems of change as well as growth. (Ch 14/Sec 1b)

8. These three levels of plans should be recognized and afforded legal status:
Provincial Plan(s) – for the province as a whole or for the five provincial planning regions (requiring ministerial approval).
Municipal Structure Plans – equivalent to overall, part 1, or policy plans (requiring ministerial approval).
Municipal District Plans – equivalent to part 2, or secondary plans (requiring only municipal council approval where criteria as to planning capability have been met). (Ch 14/Sec 1b)

9. District plans should be required to conform to structure plans, and structure plans to provincial plans. (Ch 14/Sec 1b)

C. Subdivision Administration

10. Section 29 of The Planning Act should be amended to assign consent administration to the municipal councils, and to require administration within policy lines stated in the municipal structure plan. Committees of adjustment should lose their powers to grant consents, and land division committees should be phased out. (Ch 14/Sec 1c)

11. The Minister should be empowered to relieve municipal councils of authority over consents at his discretion. (Ch 14/Sec 1c)

12. The acts governing the registration of land in Ontario should be amended to prohibit the registration of any new deed, long-term lease, or mortgage, etc., which does not bear the approval stamp of the appropriate consent administering body. (Ch 14/Sec 1c)

13. The Minister should be empowered to designate municipalities in which council may deal with all aspects of subdivision plan approvals and/or condominium development approvals. (Ch 14/Sec 1c)

14. Municipalities should be permitted to require park dedications related to population, based on a flexible scale related to varying circumstances. (Ch 14/Sec 1c)

15. Municipalities should be permitted to require cash in lieu of road widenings. (Ch 14/Sec 1c)

D. New Development Control Power

16. The Minister, at his discretion, should be authorized to empower municipalities to exercise a new "development control" power in areas designated for growth or change in a proper municipal structure plan, and within the framework of policies laid down in an approved district plan. (Ch 14/Sec 1c)

17. Development control power should replace zoning and site-plan agreements in such areas of growth and change, and should cover matters normally regulated in those documents. Development control should consist of a statutory freeze on all development (broadly defined to include demolition, altering natural features, and tree removal, as well as building construction and alteration), with development permission granted by council only after a case-by-case examination of proposals. (Ch 14/Sec 1c)

18. In granting development permission, municipalities should be empowered to attach conditions (including a time limitation on permission), with public participation required at all points in the process. (Ch 14/Sec 1c)

E. Zoning Administration

19. Where appropriate municipal planning capability has been demonstrated, zoning bylaws and amendments should be approved by municipal councils without the confirmation of any provincial agency. (Ch 14/Sec 1c)

20. Municipalities should be empowered to attach conditions to zoning amendments. (Ch 14/Sec 1c)

21. Municipalities should be empowered to regulate duration of occupancy in areas designated in a municipal structure plan for seasonal use. (Ch 14/Sec 1c)

F. Site Plan Agreements

22. Municipalities should be enabled to enter into site plan agreements registerable against title, and municipalities should be empowered to require site plan agreements as a condition to the approval of planning applications. (Ch 14/Sec 1c)

G. Urban Renewal

23. Section 22 of The Planning Act should be amended, in general references, changing "redevelopment", to "renewal". (Ch 14/Sec 1c)

24. Municipalities should be enabled to participate in all aspects of the new federal Neighbourhood Improvement Program and the Residential Rehabilitation Assistance Program. (Ch 14/Sec 1c)

H. Ministerial Circulars

25. The Minister should be empowered to issue circulars enunciating new policies, procedures or regulations pursuant to the Act. (Ch 14 Sec 3c) Municipalities should be required to maintain copies of all circulars available for public reference. (Ch 14/Sec 3a)

I. Notice

26. Municipalities should be directed to send notice of receipt of planning applications of all kinds, and of the initiation of major municipal planning projects by the municipality, to all persons affected, and the same should apply to all hearings to be held in connection therewith. (Ch 15/Sec 2a)

27. The Minister should be directed to issue a complete set of regulations as to the timing, form, and content etc. of notice and hearings with respect to planning applications of all kinds, and with respect to major municipal planning projects, in various sets of circumstances. (Ch 15/Sec 2a)

J. Appeals of Planning Decisions

28. Appeals of council decisions should be heard by a provincial inspector, who should report to and make recommendations to the Minister. (Ch 15/Sec 2b)

29. All decisions on appeals of planning decisions should be vested in the Minister. (Ch 15/Sec 2b)

30. The Minister should be empowered to make orders as to costs of hearings in connection with appeals of planning decisions. (Ch 15/Sec 2b)

Proposed Changes in Provincial Policies and Procedures re Municipal Planning

A. Planning Jurisdictions

31. In order to improve geographic coverage, a plan for municipal planning jurisdictions, both single- and and double-tier, should be prepared based on the criteria enunciated in *Design for Development, et seq.* This plan should be among the major factors considered in decisions respecting local government reorganization. (Ch 15/Sec 2)

32. To improve vertical municipal planning jurisdictions, the Province should limit its interest and approvals to the overall municipal structure plan. (Ch 14/Sec 2)

33. Where two tiers of local government exist, the upper tier should limit its interest and approvals to the overall structure plan and the district plans, and should delegate approval powers for bylaws and development applications to lower-tier municipalities where suitable criteria as to planning capability have been met and are sustained. (Ch 14/Sec 2)

34. Pending local government reorganization, any joint planning areas created or reorganized should adhere to the pattern established in the plan for municipal planning areas referred to above. (Ch 14/ Sec 2)

35. Pending local government reorganization, existing municipalities which are able to demonstrate adequate planning capability in terms of established criteria, should have the same planning approval powers delegated to them as the new regional municapilities. (Ch 14/Sec 2)

B. Municipal Plans

36. The *Municipal Plans Manual* should be completed and issued as a ministerial circular, including policies respecting:
- the appropriate time period for municipal objectives (five to ten years);
- the nature and feasibility of municipal objectives which might reasonably be stated in municipal plans;
- the financial and administrative methods for plan implementation;
- the flexibility and stability of the plan, and the generality and specificity of the plan.

(Ch 14/Sec 1b)

37. The Province should announce its intention to act within the context of approved municipal structure plans of suitable content, and to follow established processes in seeking any amendments to them. (Ch 14/Sec 1c)

C. Subdivision Administration

38. Improvements in community design should be fostered by:
- –completing the *Subdivision Design Manual;*
- –holding subdivision design workshops;
- –providing scholarships for postgraduate study in civic design programs. (Ch 14/Sec 1c)

39. In order to speed up the subdivision approval process, the following procedures should be established in ministerial regulations issued pursuant to the Act:
- –where a subdivision application involves parallel applications to amend a district plan or a zoning bylaw, or both, all should be dealt with concurrently and considered at the same set of public hearings;
- –subdivision applications should be processed in accordance with a time schedule not exceeding six months for draft approval, and a further twelve months for registration. (Ch 14/Sec 1c)

40. In order to ensure that subdivision agreement provisions and engineering standards are reasonable and consistent, the following provincial requirements and policies should be set down in a ministerial regulation issued pursuant to the Act:
- –a list of services and conditions for urban, and rural and resort rural municipalities which the Minister will require when he considered subdivision applications;
- –that subdivision agreements should be administered as locally as possible, but that the terms of such agreements be consistent within regional municipalities;
- –that levies will be permitted only for works specified in subdivision agreements, and not for "general purposes";
- –provincial standards for school site sizes for all levels of public and separate schools. (Ch14/Sec 1c)

D. Urban Renewal

41. Provincial participation in comprehensive renewal studies should be initiated on a 50/50 cost sharing basis with municipalities, and the *Manual on Comprehensive Renewal Studies* should be re-edited and re-issued. (Ch 14/Sec 1c)

42. Provincial participation in central business district schemes should be revived on a 50/50 cost-sharing basis for both detailed planning and implementation, and a separate manual for central business district schemes should be prepared. (Ch 14/Sec 1c)

43. Provincial participation in rural and resort area renewal schemes should be initiated on a 50/50 basis, and a special manual should be prepared. (Ch 14/Sec 1c)

44. In renewal schemes of any kind, provincial involvement should be limited to a broadly supervisory role wherever municipal planning capabilities permit. (Ch 14/Sec 1c)

E. Senior Government Works Projects

45. In coping with proposed federal works, municipalities should be assured of technical and political assistance from the Province, and the Province should announce its commitment to involve affected municipalities where joint federal-provincial projects are planned. (Ch 14/Sec 1c)

F. Technical Improvement

46. The Plans Administration Branch should be directed to complete within two years, a full complement of manuals to guide municipalities in plan making, and in the use of development control, zoning, urban renewal, subdivision control and other tools employed in plan implementation. These manuals should be published in a form amenable to updating, and appropriate copies be lodged with all municipalities. (Ch 14/Sec 3a)

47. Grants should be provided for the preparation of municipal plans or comprehensive amendments or approved studies, as a matter of general policy. Such grants should match suitable minimum per capita expenditures by the recipient municipalities. (Ch 14/Sec 3b)

48. The provincial policy of rotating planning staff through a variety of assignments should be extended to staff exchanges with municipalities, where practicable. (Ch 14/Sec 3b)

49. Provincially-sponsored seminars on professional subjects for municipal planning staff should be scheduled on a regular basis and held regionally where practicable. Programs should be devised for intermediate and technical staff, as well as those aimed at senior personnel. (Ch 14/Sec 3b)

50. A ministerial circular should be issued stating that a chief municipal planner is entitled to publicly stated reasons and a hearing before council prior to dismissal. (Ch 14/Sec 3b)

G. Public Participation

51. The Province should adopt a policy of matching municipal grants in support of citizen participation in municipal planning projects affecting neighbourhoods, (Ch 15/Sec 1a) and in matters of city-wide or regional impact (Ch 15/Sec 1b)

52. The Province should offer matching grants to municipalities for hiring community development officers to assist ward aldermen in responding to their consituents. (Ch 15/Sec 1a)

53. A provincial ombudsman should be appointed to protect the rights of individuals and groups in planning matters, and to ensure their cases are fully presented in appeals to the Minister on the basis of infringement of rights. (Ch 15/Sec 1a)

H. Application Fees

54. A maximum fee schedule covering applications of all kinds under The Planning Act should be set by the Minister and announced in a circular. (Ch 14/Sec 1c)

Proposals for Amendments to Legislation and Changes in Policies of Wider Application

A. Provincial Planning

55. An appropriate provincial structure plan should be devised, establishing an overall strategy for provincial development. The means of implementing the plan should be spelled out including a clear definition of the role of the municipalities in carrying out the plan. (Ch 13/Sec 1)

56. It should be established and accepted that provincial responsibility with respect to municipal planning is directed primarily to setting a broad regional framework for provincial development; that regional responsibilities are mainly to formulate and execute regional development plans within this framework; and that local responsibilities are to set detailed local development policies and administer local programs within the regional outlines. (Ch 13/Sec 1)

57. Provincial plans should incoporate the following for each of the five consolidated planning and economic development regions:
- social and economic goals;
- basic policies relating to the conservation of the physical and social environment and the welfare of the inhabitants;
- the specific provincial programs directed to achieving provincial goals and carrying out provincial policies in each region. (Ch 13/Sec 1)

58. So that the basis of provincial development policies can receive proper public scrutiny, legislative provision should be made for provincial plans to undergo a statutory process of hearing, adoption and review, and for provincial actions to be subject to the provisions of formally adopted plans. As part of this process, procedures should be initiated to secure adequate public representation in the formulation of provincial plans. (Ch 13/Sec 2)

59. To secure the satisfactory achievement of provincial regional goals, a suitable fiscal and organizational base should be established within each of the five planning regions, to enable both first- and second-tier municipal governments to pursue co-ordinated development policies which will satisfy specific local interests, within the framework of the established provincial goals. (Ch 13/Sec 2)

B. Planning Administration

60. Pending the ultimate delegation to municipal councils of provincial authority over municipal planning decisions, the provincial administrative machinery should be decentralized to permit the greatest possible degree of *de facto* decision-making authority on the part of regional and local field representatives. (Ch 13/Sec 3)

61. The various provincial agencies concerned with formulating and carrying out provincial development policies should be decentralized to facilitate proper co-ordination and accommodation of provincial and local interests. (Ch 13/Sec 3)

C. Provincial Mapping Program

62. A co-ordinated mapping system for provincial, and for municipal planning needs should be developed, and the following specific measures should be taken:
- a provincial computer mapping agency should be established in the Ontario statistical centre;
- a program of extending base mapping coverage for all urbanized areas and resort areas should be embarked upon, aimed for completion by the end of the decade. (Ch 14/Sec 3a)

63. The minimum mapping requirements for municipal planning purposes which should be provided are:
- topographic mapping showing buildings and contours,
- the corresponding aerial photographs;
- property ownership maps on scales compatible with the topographic maps;
- the computer system for land registration recommended by the Law Reform Commission be directly connected through computer terminals with the mapping agency. (Ch 14/Sec 3a)

D. A Provincial Statistical Program

64. The Ontario Statistical Centre should be designated as the repository of all statistical data for the province. (Ch 14/Sec 3a)

65. Copies of all provincial and municipal statistics should be deposited with the Centre. (Ch 14/Sec 3a)

66. The establishment of a geocode should be afforded the highest priority, and thereafter it should be a requirement that all relevent provincial and municipal statistics be geocoded. (Ch 14/Sec 3a)

67. A catalogue should be published by the Statistical Centre, listing an inventory of statistics, and statistical summaries should be made available to municipalities on request. (Ch 14/Sec 3a)

68. The systematic collection of all planning data as set out in the assessment revision sheets should be adopted as an objective for 1975 by the Province. (Ch 14/Sec 3a)

69. Completion of a common land-use code to be employed throughout the province should be adopted as an objective for 1975. (Ch 14/Sec 3a)

E. A Provincial Research Program

70. The research section within the Ministry of Treasury, Economics and Intergovernmental Affairs should be charged with preparation and maintenance of an index of research projects relevant to planning. (Ch 14/Sec 3a)

71. The same body should be required to undertake planning research projects, including those dealing with matters of municipal concern, to recommend to the Minister where provincial financial support should be extended to individuals or agencies in the conduct of research projects, and to disseminate the findings of such projects to the municipalities. (Ch 14/Sec 3c)

72. The same body should co-operate closely with municipal representatives in studies aimed at integrating municipal planning with municipal management processes generally, and specifically on the use of computer techniques to utilize municipal plans and planning data in the resolution of municipal management questions. (Ch 14/Sec 4)

F. Municipal Boundaries and Status

73. Applications for changes to municipal boundaries and status should be the subject of inquiries by the inspectors appointed to hear appeals on planning matters, instead of the Ontario Municipal Board. The inspectors should report and make recommenda-

tions to the Minister who should make the decision. (Ch 14/Sec 2)

G. The Economic and Social Consequences

74. Pending the implementation of major trunk servicing schemes in high-demand market areas, the Province should determine and act on all practicable measures to provide interim servicing capacity, in order to alleviate the scarcity of developable land and reduce land costs. (Ch 16/Sec 1)

75. The Province should initiate a study of properties suitable for acquisition as part of a large-scale, long-term land bank program built up in co-operation with the federal government under the new NHA provisions. In so doing, special attention should be directed to parcels which will offer immediate relief to high lot costs in major market areas. (Ch 16/Sec 1)

76. Current work on a comprehensive set of provincial housing policies should be completed. These should include regional allocations between public housing agencies and the private sector, and should set out guidelines to municipalities in the application of restraints on the housing mix, housing types, floor areas, etc. (Ch 16/Sec 2)

77. Comprehensive studies should be initiated to define provincial objectives and to implement policies for both the Province and the municipalities in the field of social development and environmental quality. (Ch 16/Sec 2)

Part I

The First Twenty-Five Years

1946
1971

1946 **Planning Act**
- Establishment of planning areas
- Composition of duties of Planning Boards
- Formulation and approval of official plans
- Conformity provisions (2/3 majority of Council)
- Acquisition of land for planning purposes
- Establishment of subdivision control areas
- Municipal housing development provisions

1947-1972 Amendments

1947
- Official plan definition expanded to include detailed regulations (removed 1949)
- Recognition of alterations to official plans
- Conformity provisions made total
- Committee of Adjustment introduced
- Lots greater than 10 acres placed beyond subdivision control
- Power of consent for severances given to Planning Board

1950
- Powers for planning areas and boards widened

1952
- Limited recognition of counties' role in planning
- Redevelopment provisions replace housing provisions

1955
- Redefinition of composition and duties of Planning Boards and areas

1959
- Subdivision agreements given legislative recognition
- Zoning and building provisions transferred from Municipal Act to Planning Act

1962
- Committees of Adjustments' existence dependent on zoning bylaw

1963
- Urban renewal provisions expanded to permit municipalities to undertake special studies and to enter into agreements with any government authority
- Conditions for subdivision approval extended to cover consents for individual parcels
- Counties added to the definition of a municipality for official plan purposes, but power to develop features of an official plan to deal in land removed from them

1964
- Power to grant consents transferred from Planning Boards to Committees of Adjustment

1962, 65
- Minister given right to refer parts of Official Plan (65) and subdivision conditions (62) to OMB, also given discretion where requests for reference to Board might not be in good faith

1965
- Procedures for disposal of 5 per cent parkland simplified

1964, 65 & 67
- Provisions for maintenance and occupancy bylaws for residential buildings added

1967
- Expansion of procedures for approval of zoning bylaws
- Counties permitted to take over building inspection from local municipalities

1970
- Subdivision control effected for whole province
- Power of consent widely altered with official plan conditions
- County Land Division Committees introduced

1971
- Restrictions introduced regarding simultaneous conveyance of land

1972
- Maintenance and occupancy bylaws extended to cover all property
- Municipalities given power to regulate lot area
- Councils permitted to amend official plans recommended by Planning Boards before their adoption
- 5 per cent dedication made specifically for park, not public purposes
- Matters once referred to OMB may be referred back to the Minister with the agreement of applicant and Minister.

Chapter 1 The Planning Act

The Planning Act provides a statutory framework for land-use planning and implementation at the local government level throughout Ontario. It is an omnibus statute of general application both to urban and rural areas.

The Act deals with a broad variety of matters. It establishes machinery for the creation of planning units, and it organizes them in pyramidal system, with the Minister of Municipal Affairs, acting for the provincial government, occupying the apex position. It also provides for the preparation, adoption, approval and legal effect of statutory plans, the "official plan" and the "redevelopment plan". It establishes a system of subdivision control and delegates to municipalities power to enact zoning bylaws and to implement the provisions of the statutory plan by the exercise of land acquisition, management and disposal powers. A hallmark of the Act is its requirement of central government approval for local planning and land use control decisions by the Minister or the Province's administrative agency, the Ontario Municipal Board.

It must be pointed out that The Planning Act is not the only provincial statute which deals with planning organization, administration and implementation. So-called regional government legislation such as The Metropolitan Toronto Act and The Regional Municipality of York Act, as well as private legislation such as The Town of Burlington Act 1971 also deal with some of these matters. However, these statutes assume the existence of and are based on the provisions of The Planning Act.

The present Planning Act had its beginnings in 1946 in similarly styled legislation which replaced the earlier Planning and Development Act which came into being in 1937. The latter had applied only to cities, towns, villages and the surrounding "urban zone" within three to five miles, and provided for the adoption of a "general plan" by the municipal council or, alternatively, by a town planning commission appointed by its council.

The Planning Act 1946 effected a major overhaul of both the planning system and tools. Statutory planning was extended to townships, in addition to cities, towns and villages. The basic planning unit, the planning area, could coincide with the boundaries of a particular city, town, village, or township, but in theory, was not required to do so. It was to be defined by the Minister where "a council is desirous of having an official plan".

On the assumption that ordinarily a planning area would comprise a single municipality, The Planning Act, 1946 provided for the definition of planning areas, which would include the whole or parts of two or more planning areas to replace the concept of the urban zone which allowed an expanding urban centre to exercise limited control in respect of fringe growth.

There was to be a planning board for each planning area. It was to be a body corporate, and its members were to be appointed by the council of the designated municipality in the planning area. The Act defined the powers and responsibilities in the planning system of the planning boards, the municipal councils and the provincial government, respectively.

The Planning Act 1946 also established the "official plan" as an entirely new planning instrument. Once a planning area was defined and a planning board appointed, it was to begin the process of preparing a plan. Ultimately a plan was to be recommended to the Minister for approval as the "official plan" for the planning area.

The accompanying box affords a synopsis of the evolution of the main provisions of The Planning Act to the present day. Mainly, the process of change has been healthy. Generally, the amendments have been pragmatic responses to deficiencies revealed in the day-to-day administration of municipal planning, and by court cases. Throughout, willingness to experiment has been evident in perfecting the mechanisms for municipal planning first established in 1946, or derived from earlier sources in The Municipal Act. The urban renewal provisions and the housing standards bylaws constitute the principal ingredients which were new after 1946.

The total result is an Act of considerable force, flexibility and effect. In its current version, it covers five main

The march of the city. Quiet farmlands surrounding major centres of population are the raw materials of the planning-development process.

activities: the creation of planning areas and boards; the preparation and adoption of official plans and amendments; urban renewal programs; the division of land; and the adoption of zoning, building, and housing standards bylaws and the granting of minor variations to zoning bylaws. Properly employed, these provisions enable municipalities to mount comprehensive planning programs which are tailored to their particular needs, resources and inclinations.

Notwithstanding its practical virtues, there are a number of basic problems inherent in the present Planning Act which are deserving of attention. First, it should be understood that the Act governs and provides for municipal planning, not provincial planning. When the Minister defines a planning area under The Planning Act, even though it may be on his own initiative, it is for municipal planning purposes. He does not prepare municipal plans. From the very beginning, permissiveness has been the watchword of municipal planning in Ontario, and this attitude is preserved in the present Planning Act. Under its terms, the initiative for plan making rests with the municipality.[1] If the municipality cannot or will not plan, the Minister cannot force, nor can he do the planning himself. However, as will be seen, he does have ways of persuading municipalities to plan, and to an increasing extent he uses them.

The municipal council appoints a planning board, which then has the duty of preparing an official plan. Plans are recommended by boards, adopted by councils, and, when he is satisfied, approved by the Minister. The significant fact of municipal plan-making under The Planning Act is that the responsibility lies with the planning board, and not with the council.

The powers to implement official plans under The Planning Act are curiously divided. The municipal council is enabled to acquire and dispose of land for implementation, and is given power to pass bylaws and adopt plans for renewal. However, the Minister holds the power to approve the division of land by plan of subdivision, although he does consult the municipality among others. In contrast, the approval of land divisions described by metes and bounds, or in accordance with a reference plan, may be vested in a committee of adjustment, a county land division committee, or the Minister, depending on circumstances.

Zoning bylaws are passed by the municipal council, but require the approval of the Ontario Municipal Board, a provincial administrative tribunal, before they come into force. Building bylaws and maintenance and occupancy bylaws are simply passed by the council, and do not require provincial approval. Minor variances to zoning bylaws are approved by committees of adjustment, which are municipally appointed administrative tribunals.

Plans are also implemented through public works of various kinds, and authority over these is retained by municipal councils and various local commissions and boards, including school boards. The Planning Act provides that no local public work may be undertaken which is not in conformity with an approved official plan. Although municipal councils usually observe this rule, other local agencies frequently do not.

The Act provides for appeal of decisions in planning matters, and these are heard by the Ontario Municipal Board, although they arrive by different routes. Appeals from decisions made at the local level (e.g. zoning bylaws passed or not passed by council, approvals granted or not granted by committees of adjustment) go to the Board automatically. Appeals on matters requiring ministerial approval (e.g. official plan amendments, subdivision plans) require referral to the Board by the Minister, but this is seldom, if ever, refused.

The result of the foregoing is an impressive array of powers to implement plans, but an unhappy division of those powers in bodies partially or totally separated from the plan making process. The position of the municipal council is most uncomfortable, with it being placed by legislation somewhat apart from the planning process and deprived accordingly of the power to implement.

The Act is geared to, and can be employed most effectively in the accommodation of new development, and the control of the problems of growth. The mechanisms are less well adapted to dealing with questions of change.

Finally, The Planning Act is almost perfunctory with respect to the public's role in municipal planning. It requires only that ". . . planning boards shall hold public meetings . . .", and imposes no requirements on council or the Minister in this regard. While the Act in no way precludes public participation, neither does it specify deliberate steps to ensure adequate opportunity for public consultation throughout the municipal planning process.

As subsequent chapters will show, important consequences flow from each of these deficiencies in the present Planning Act.

1. Although The Planning Act specifies that the planning board *shall* prepare a plan, not all do so. Even where they do, adoption by council is not mandatory, nor is submission to the Minister for approval.

Chapter 2

Planning at the Municipal Level

2.1 Planning Areas and Planning Boards

As has been observed, municipal planning under the Ontario Planning Act is carried out not in municipalities, but in "planning areas", and plans are made not by councils, but by planning boards. Until the Act was amended in 1972, council members could not constitute a majority of membership on a planning board. In its origins, this stipulation was a reflection of the pervasive distrust of local government which prevailed in many states of the U.S.A., for the American planning commissions and boards of zoning appeals are the spiritual fathers of the Ontario planning boards and committees of adjustment.

Councils of municipalities may apply, under Section 2 of of the Act, for a planning area to be defined. The general sequence of events is shown in *Figure 3*.

Planning areas may be single independent (consisting of only one municipality or part thereof) or joint (comprising two or more municipalities or parts thereof).

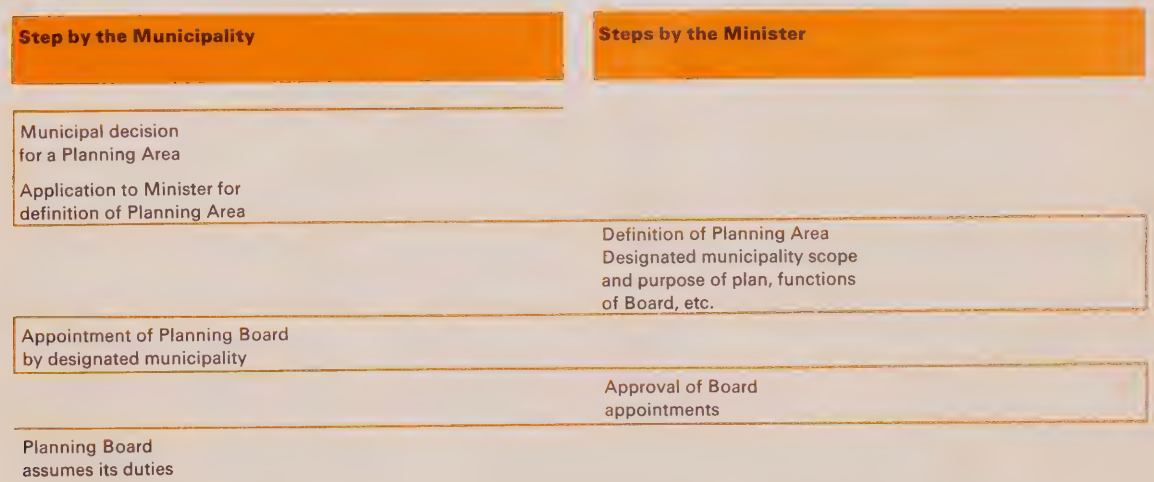
Joint areas may include subsidiary planning areas, each usually covering a constituent municipality.[2]

For joint planning areas, the Minister names a "designated municipality" (Section 2 (6)), the council of which fulfils the council functions for all of the municipalities within the planning area. Usually the designated municipality is the largest urban centre in the joint planning area.[3]

Planning board members are appointed by the councils concerned and the appointments to joint boards are subject to the approval of the Minister. Usually every municipality in a joint planning area has representation on the joint planning board. The board's activities are funded, after presentation of estimates, by the councils affected.

Except in the new regional municipalities, the establishment of a planning area is the prerequisite for preparing an official plan and is the beginning point for all municipal activity.

Figure 3
The definition of Planning Areas and Boards



2. The Town of Brampton is a single independent planning area. Metropolitan Toronto is a joint planning area covering all of Metro and adjacent municipalities east and west. Mississauga, Etobicoke, North York, Scarborough, Pickering, etc., are subsidiary boards within the Metro Toronto Planning Area.

3. But not always. For example, in the early Sixties, the Central Wellington Planning Area was established comprising a group of municipalities centred on Fergus. The Township of Nichol was the designated municipality in that instance.

Although normally a matter of municipal application, planning areas may also be set up by the Minister on his own initiative. This power has been little used and never without some support from the local level. The Minister also has wide powers to vary constitutions, procedures, functions, and even the scope of the plan the planning board may prepare. This power has been used more frequently of late and has enabled a variety of experimental approaches to be tried.

After the enactment of the 1946 Planning Act, planning areas were defined by the Minister, on application of the municipalities concerned, with little question. The Minister acted as arbiter on the infrequent occasions when disagreements arose among municipalities in the formation of a joint planning area. The appropriateness of the planning area as a functioning planning unit, or the capability of the planning board to perform its duties, were not impediments when the first priority was to establish municipal planning as an activity of local government.

The work of the early planning boards was hampered by the scarcity of professionally trained planners. Even where councils were successful in recruiting persons from related disciplines to serve, individual members could not be expected to sustain the equivalent of a continuing staff effort.

Later, when technical and professional personnel became available, some of the defects of separating plan-making from the municipal councils became evident. In municipalities where the planning board became to be regarded as a challenge to council's authority, financial support for the board's program could be withheld. This could also occur where the council, not charged with the task for plan-making, never developed much interest in the question.

Adoption by council of a plan prepared and recommended by a planning board was never mandatory under the Act, and jealous, distrustful, or uninterested councils could ignore, or procrastinate on or dilute the work of a board. If the plan was finally adopted, a still reluctant council could simply fail to pass the zoning and subdivision control bylaws necessary to implement the plan. In consequence, in early years, considerable provincial energy was expended in attempting to reconcile strained relations between councils and planning boards.

A second untoward result of the councils' separation from plan making was the encouragement given to councils seeking to evade responsibility, or even involvement, in controversial planning issues. Planning boards were frequently cast in the role of sounding boards for public reaction. Unpopular aspects of plans could be charged to the planning board which had originated them, or to the Minister, who had given final approval to them.

By the early Sixties, however, it was plain in many planning areas that the optimistic hopes that had accompanied their establishment would never be fulfilled. A great number of planning boards had simply become inactive, and many more had never been effectual.

In August 1962 the Director of the Community Planning Branch drew to the Minister's attention the need for policy regarding the definition of planning areas. In a thoughtful memorandum, he pointed out that few single independent planning areas actually constituted suitable planning jurisdictions, and the need for joint planning areas to encompass these was emphasized. The Director recommended that the Branch offer more leadership in the establishment of suitable joint planning machinery and that incentives should be found to encourage joint planning boards. He suggested that criteria be developed for determining the appropriate boundaries of such areas and that subsidies for planning programs to be conducted by joint planning areas should be offered through an adjustment of the municipal subsidy structure to give advantages to the municipalities in such areas. The memorandum concluded that if these steps were adopted and were successful, the quality of the municipal planning process in Ontario could be substantially improved.

It is indeed a pity that this wise counsel was so little heeded by the government. It dealt with the very heart of the matter. If municipal planning was important, it had to be put on a sound basis, and it merited provincial support. Those recommendations anticipated by ten years much of what is urged as a consequence of this review.

A subsequent memorandum from the Director in June 1965 affords evidence of the mounting concern within the Branch. This missive referred to a proposed planning area for the Township of Monck in the District of Muskoka. The following excerpt quoted from the lengthy text contains a resumé of the situation regarding planning areas and boards down to that time:

"For many years after The Planning Act was passed in 1946, a very substantial effort had to be made by this Branch in order to persuade municipalities to appoint planning boards. Many planning areas that were defined in this earlier period did not result in the appointment of planning boards, and in those cases where planning boards were appointed they were

frequently allowed to become dormant. Only a fraction of the almost 400 planning areas that have been defined have active planning boards with technically competent staff to assist them in carrying out their responsibilities. Also, many planning areas are coterminous with a single municipality, rather than embracing the whole community.

"Over the years, we have become increasingly dissatisfied with the situation and gradually developed the practice of obtaining certain undertakings from municipal councils before recommending to the Minister that applications for the definition of planning areas be granted. In particular, we have asked for some evidence that the council understands what is involved in a planning program. We have also asked for some evidence that adequate resources—mainly money—will be made available to the planning board to enable it to hire staff or engage consultants. We have also been very much concerned about ensuring that the area to be included is a logical planning unit."

The Director's memorandum offered the Waterloo County Planning Area as an example of a new approach to the problems which might result in the definition of fewer planning areas but much more effective planning in those that were established.

It is thus evident that by the mid-Sixties a good deal of attention was being devoted to what was considered a fundamental matter for improving municipal planning in the province. An internal policy memorandum written shortly thereafter stated that a general policy should be adopted of recommending against the establishment of planning areas unless:

"1. The proposed planning area is a complete planning unit.

"2. The municipal council or councils in the proposed planning area have demonstrated an understanding of the planning function and acceptance of the municipal responsibilities that follow on the establishment of a planning board, including the need to provide financial and other supports for planning board and the need to implement plans that are prepared, adopted and approved."

From that time on, whenever faced with applications for setting up planning areas, the Branch endeavoured to review each application for suitability and to negotiate with the municipalities concerned to achieve an appropriate unit. Difficulty was experienced with some applications in defining suitable boundaries, but in many cases, much more logical planning units were achieved.

As with most policies however, success was neither easy nor automatic. A review of the *Directory of Planning Boards* reveals that 39 single independent areas have been created since 1966, as against 26 joint planning areas. On the face of it, this would seem to call into question that the policy of requiring more logical units was strongly applied. Some of these single independents cover municipalities in Northern Ontario in circumstances entirely appropriate, but a number of others were created in Southern Ontario. For example, the villages of Ailsa Craig (population 586), Grand Valley (908), and Jarvis (932) were all set up as single independent areas, notwithstanding the fact that they were either within or immediately adjacent to other townships which also have single independent areas. Indeed, Ailsa Craig abuts the Northwest Middlesex Joint Planning Area. The Village of Jarvis and the adjacent Townships of Walpole and Rainham each comprise single independent planning areas, notwithstanding the fact that the Government itself is engaged in a major planning study of Haldimand and Norfolk Counties. In these circumstances, it seems difficult to accept that the villages in question form logical planning units on their own.

Even in the single independent and subsidiary planning areas where municipal planning is carried on relatively successfully, the contribution of the planning board itself is seldom more than slight. Broadly speaking, municipal planning requires a proper combination of public input (from citizens and from applicants), professional and technical expertise (from staff and/or consultants), and political consideration and decision (from the council). Occasions seldom arise where a small group of council members and lay members comprising a planning board can add measurably to the equation. The politicians simply duplicate council's function but at least might be considered as a planning committee of council in effect. Lay membership has almost no justification, since few lay members are equipped to assist the staff's role, and few would claim to fulfil any wide segment of the public's role. In these circumstances, planning boards really do little more than add to the time required for plan-making and processing, and a lot of time spent by many hard working and well intentioned people who serve on planning boards is regrettably to little avail.

It is not only the small communities' desires for autonomy and self-expression which conflict with the conduct of municipal planning on a more rational territorial basis. Many large joint boards have been formed from apparently logical areas and have still had difficulty in functioning in the manner intended.

The many faces of Ontario. *Below*, historic and picturesque Niagara-on-the-Lake, with preservation the principal concern; *opposite*, Thunder Bay, on the northwest corner of Lake Superior, where nature plays a strong role, and the restless dynamism of sprawling Metropolitan Toronto, with its own particular problems.

The large Hamilton-Wentworth Planning Area was defined as long ago as 1949. The Hamilton-Wentworth Board employed staff and pursued an active program, but was never able to produce a regional plan or even a co-operative program to cover the whole area. For most of the time the Hamilton-Wentworth Board and the City of Hamilton Planning Board, have gone their separate planning ways. Political independence, a rural-urban tension and an inability to recognize a sufficient community of interest all militated against a joint effort. In the late Sixties the Central Ontario Joint Planning Area embarked on the very ambitious OAPADS planning program, a project underwritten in a large part by the province. Work ceased, however, before any regional plan could be completed, because the Province was unable to state the extent of its support for development in the region. Accordingly it was never determined whether divergent political views could have been overcome where the members were all equals and where several urban centres were in competition with one another.

These examples are not put forward to suggest that joint planning cannot succeed. They do show that a real sense of common interest is essential, and that a closer relationship between planning and political jurisdictions is eminently desirable. The latter is, of course, one of the essential characteristics of the local government review program which is producing larger municipal units with coterminous planning jurisdiction.

It is somewhat paradoxical that, despite their manifest limitations, joint planning areas appear to offer the strongest reasons for the continuance of planning boards in any form. Until the local government review program is completed, joint planning areas will afford the only means for the conduct of municipal planning on a proper geographic footing in many parts of the province. Where joint planning boards are formed, political rather than lay representation from the constituent municipalities would seem to be preferable in most circumstances for reasons set out above.

In this context an internal memorandum circulated within the Community Planning Branch in 1968 is worth comment. For the first time, the Branch was cautioned against excessive zeal in the establishment of new large joint planning areas. The reason stated was the possibility of conflict with the boundaries of new regional municipalities which might be created under the local government review program.

This is puzzling. One of the best publicized objectives of the local government reorganization program is the strengthened base for municipal planning. Surely a pattern of large, well defined planning jurisdictions would be of some assistance to those seeking to define appropriate boundaries for the new regional municipalities.

2.2 The Metropolitan Toronto Planning Board

The Metropolitan Toronto Planning Board is a joint planning board, and by any measurement is by far the most outstanding among them. Indeed, in most ways the Metro Board has achieved the highest level of performance of any of the municipal planning agencies in Ontario. The story is a unique one and is of such significance that separate discussion is warranted in this review.

In its jurisdictional reach, broad program, and political and financial strength, the Metro Board foreshadowed the "regional" municipal planning agencies created in recent years. In both the successes and the setbacks of the Board's nineteen years, important lessons are to be learned. The succeeding chapter dealing with planning in the new regional municipalities will show that those lessons have not always been well read.

Initially, the Metro Planning Area covered not only the original thirteen municipalities of Metropolitan Toronto proper, but also the thirteen in the immediate surrounding fringe, for a total of 715 square miles.[4] "The scope and general purpose of an Official Plan for the Metropolitan Toronto Planning Area" were set out in The Municipality of Metropolitan Toronto Act (now Section 202), which specified:
- land use
- ways of communication
- sanitation
- green belts and park areas
- public transportation

This outline was soon seen to be inadequate in defining the scope of the Metro Planning Board's operations, but in the five or so years which occupied the preparation of the first Draft Metropolitan Official Plan, and in the subsequent five years, during which the original draft was revised, there was little further guidance, formal or informal, from the Province as to the proper scope of a Metropolitan Official Plan. While these basic matters were being pursued, the Board undertook many other major studies (e.g., *The Metropolitan Urban Renewal Study, The Waterfront Plan,* apartment density standards, etc.), and joint studies with provincial agencies (e.g., public housing, MTARTS) which led to metropolitan

4. On January 1, 1970, the Metro Planning Area was reduced by 205 square miles and six municipalities when Woodbridge, Vaughan, Richmond Hill, Markham Town, Markham Township and Stouffville were reorganized into the Regional Municipality of York.
5. In fact, the original Metro Planning staff had been recruited largely from the existing local planning staffs, seriously depleting their thin ranks.

policies and plans. These found expression both in metropolitan legislation and programs and in local bylaws and public works. With relatively few exceptions, the local official plans which were adopted or revised after the formation of the Metro Planning Board reflected in a substantial way the Metropolitan Planning Board's and Council's basic operating policies. It is noteworthy that this was generally as true of the thirteen fringe municipalities outside the Council's direct jurisdiction as the thirteen municipalities originally within that jurisdiction.

There are two special qualities which characterize Metro Planning Board undertakings – the attention to the metropolitan interest, and the high degree of professionalism in the work. These have contributed largely to the generally harmonious working relationships which have been built up over the years with the local planning boards (some of which now rival or exceed Metro in size and budget) and with the Community Planning Branch and the major provincial departments. Without those relationships, the Board's level of effectiveness could never have been attained. Nor is it likely that the Province's own policies (such as, for example, the phasing out of septic tank development, the preservation of the valleylands and the conservation of major headwater areas) could have been attained without the active co-operation of the Metro Planning Board.

In its early years, the Metro Board necessarily devoted considerable energy to matters of essentially local concern. "Liaison planners" were employed, whose duties were to provide staff services (without charge) on request to area municipalities. Subdivision administration, now capably carried out by a single official, was a major staff function engaging four or five persons headed by a senior professional.

However, as the member municipalities rapidly increased their own planning capabilities, Metro was able to withdraw easily and early from local involvement. In the Metro Planning Area of 1954, only Toronto, North York, Scarborough, Etobicoke and Toronto Township (now Mississauga) employed any permanent planning staff, and their combined total probably did not exceed 15 persons.[5] Ten years later, North York alone employed more than twice that number. Permanent staff were engaged in all of the larger municipalities, and many of the smaller units retained consultants.

Equal impetus to the withdrawal process was provided by the many matters of genuine metropolitan scope and interest which demanded attention. This central fact should not be lost sight of. The metropolitan issues were there. The harmony of the Metro-local relationship in planning derives principally from the early and continued focus by Metro on very real problems common to the whole area.

The differences between similar problems (which the local municipalities were able to resolve individually) and common problems (which required metropolitan treatment) became increasingly apparent as local technical capabilities were established. There was also an increasing resistance at the local political level to metropolitan interference in matters which were essentially of local concern.[6] By the end of the 1950s it was generally true that metropolitan planning efforts were devoted mainly to the achievement of metropolitan programs and goals and to reviewing local efforts within this metropolitan context.

The development of the relatively smooth relationship with the Community Planning Branch and other provincial departments was undoubtedly supported by the general spirit of Metro-Provincial partnership which emanated from personal accord between the then Prime Minister of Ontario, Hon. Leslie Frost, and the first Metropolitan Chairman, F.G. Gardiner. The relationship was also sustained by the calibre of Metro's professional staff and its comprehensive program. In the planning wilderness that was post-war Southern Ontario, Metropolitan Toronto was among the few cultivated gardens, where co-operation was mutual and provincial tutelage unthinkable.

Though provincial intervention was absent (until recently), small frictions did arise from time to time. This was largely the result of provincial determination not to acknowledge in any formal sense the supervisory nature of Metro's role in its own planning area – at least not in the absence of a Metropolitan Official Plan. Though Metro's views concerning local planning actions were solicited and usually attended to, in the end the Province almost always took the position that the Metro voice was only one of many to which it would listen (alike, for example, to Ontario Hydro and the two national railways); the decision, when it came, would be the Province's, not Metro's, and Metro occasionally might find itself effectively excluded even from the negotiations between the Province and the local municipalities.

The high standards and broad program were founded on the financial backing of Metropolitan Toronto,[7] and Council's financial support was always forthcoming. It was the Board's policy never to seek direct financial

6. The question of service station sites provides a good illustration of the early metropolitan withdrawal from matters of local concern. While the metropolitan planners undoubtedly had strong professional convictions in this area, they managed within a relatively few years to restrict themselves to dealing only with such questions as the relationship of specific service station sites to the operation of metropolitan roads, and to ignore fundamental questions of planning principle which were seen to be of concern to local residents only.

7. Usually, all of the municipalities in a joint planning area contribute to the budget of the joint board. Metropolitan Toronto always assumed the whole of the Metro Planning Board budget, although the Planning Area included municipalities beyond its limits.

contributions from a municipality which maintained its own planning operation, and the Board has always provided local planning assistance without charge.

Although the Board's political base was strong, it was never complete; eventually this was revealed as a serious flaw. As a result, and despite its many strengths, the Metro Board never saw the full fruits of its primary endeavour.

The Metropolitan Toronto Act does not specifically direct the adoption of an Official Plan, or set any deadline (as is the case in the legislation which establishes the new regional municipalities) but this is clearly anticipated by the Metro legislation.[8] The Metro Board did complete its share of the task. An official plan was drawn up, circulated, and recommended to the Metropolitan Council for adoption. Although ten years' effort had gone into the preparation, public meetings, revisions and refinements, in the end the Metro Council resolved not to make the plan "official" by seeking the Minister's approval.

Among other things, it was thought that to do so would be to impose a Metro decision on the fringe municipalities which had no political representation on the Metropolitan Council. Even more decisive was a pervasive concern on the part of many Metro Council members that provincial ratification of the plan would result in a large volume of procedural red tape and other bureaucratic manifestations.

The procedures for adopting and amending the Metropolitan Official Plan were thought to be complex (as indeed they would have been under the statutory requirement for active consultation among at least several of the six metropolitan and thirteen fringe municipalities with respect to many amendments to both the Metropolitan Official Plan and each of the local official plans). This generalized fear was reinforced by the deep personal knowledge which many of the politicians involved had of the difficulties in securing amendment of their own local officials' plans. The spectre of effectively doubling these procedural roadblocks, and dragging nineteen other local municipalities into the act as well was probably more than many of the Metro Council members could bring themselves to contemplate.[9]

Metro's refusal to make its plan "official" was in effect a rejection of the whole concept of joint planning as provided for under The Planning Act. It was strange that the question did not loom seriously until so late in the piece. Metro did not attempt to salve its conscience by first securing some kind of formal approval from each of the local municipalities, nor did Council seek the Minister's approval of that part of the plan which applied within the Corporation limits. It can only be concluded that Metro simply did not associate much benefit with ministerial grace.

From these events, it should not be assumed that Metropolitan Toronto remains "unplanned". The Metropolitan Plan is very much in existence. It is referred to, adhered to, or amended when and where deemed appropriate by the Metro Council. It provides the basis for all of the revelant metropolitan programs and policies. The plan is merely not an official plan, and does not carry with it the legal status that attaches to a plan bearing the Minister's approval under Section 14 of The Planning Act.[10]

It is sometimes claimed that the lack of an "official" plan cost Metro the Spadina Expressway. Given the status of prior ministerial approval, the argument runs, Spadina would not have been torpedoed by the Prime Minister in June 1971. This is difficult to credit. The existing investment in roadway and ditch was a far more tangible commitment by the Province. Besides, Spadina was also a feature of the City of Toronto Official Plan which had received the approval of the Minister of Municipal Affairs less than eighteen months earlier, and of the York and North York Official Plans as well.

The failure to seek the Minister's approval for the Metropolitan Plan was little remarked on at the time, but the implications for municipal planning in Ontario are not less significant in consequence.[11] Thus far at least, the real loser appears to have been the provincial government, sponsor of the Metro experiment, and also sponsor of a Planning Act which has the municipal official plan as its central theme. After all if Metropolitan Toronto doesn't need an "official" plan, why should anyone else?

2.3 The Regional Municipalities

During recent years, four regional municipalities have been created in Ontario; Ottawa-Carleton (1969), Niagara (1970) and Muskoka and York (1971). All provide for two tiers of local government, and in the latter three, establishment of the regional municipality was accompanied by some rationalizing of local municipal boundaries. In terms of planning administration, all exhibit these features:

– Planning is the direct responsibility of the Regional Council;[12]

– Preparation of an official plan is mandatory, and, after

8. Thus Section 199(6) states "When the Minister has approved an Official Plan adopted by the Metropolitan Council . . ." and Section 201 commences with "Before an Official Plan for the Metropolitan Toronto Planning Area is adopted . . ."

9. It was only in the subsequent regional government legislation that the Province acknowledged both the supervisory role of the second-tier municipalities and the need to simplify the basic procedural tasks.

10. Many facets of the Metropolitan Plan do become "official" by virtue of their inclusion in the official plan of the City and the Boroughs.

Muskoka, submission to the Minister is also mandatory;
– Deadlines are established for adoption of the official plan (although no sanctions are specified for non-performance); and
– Upon approval of the official plan, the Minister may delegate various approval functions to the Regional Council.

In all cases, permanent professional staff have been engaged and planning programs are underway including work on the respective official plans.

Planning without a planning board is novel in Ontario, but consistent with the prevailing philosophy in the regional municipality legislation which focuses local powers and functions in the elected council rather than in elected or appointed boards or commissions. Many feel it is still too soon to ascertain whether planning boards will really be missed, or whether they might be properly phased out elsewhere.

Mandatory official plan adoption is also new, and perhaps stems from the unhappy provincial experience with Metropolitan Toronto. Again it is premature to assess the quantitative or qualitative results of the planning programs, or to know whether or not the deadlines will be met, and if not, what will happen to the delinquent council.

For the municipalities, the most tantalizing attraction is the possible delegation of various powers of approval by the Minister to the Regional Councils. Which approval powers may be among those delegated have not yet been specified – subdivision? zoning bylaws? Perhaps the real test will be the approval of official plan amendments (or at least those where no provincial interest is involved if such could be defined). That kind of a prize might even be sufficient to induce reluctant Metro to reconsider its position.

The four regional municipalities represent a fair cross-section of the kinds of circumstances which might prevail as the local government review program is pursued by the provincial government. It may, therefore, be instructive to speculate on the prospects for the planning programs of these four, based on the lessons derived from the Metro Toronto experience.

At one extreme is Ottawa-Carleton, a large urban-centred region. Although the municipal planning circumstance is rendered atypical by the National Capital Commission presence, in other respects it is analogous to the Metro Toronto situation, with the added advantage that, unlike Metro, the planning jurisdiction and the municipal jurisdiction are coterminous. Matters of clearly regional scope and import are there, and the Regional Council and staff have been faithful to their stated intention of focussing on such issues. As the local municipalities increase their planning capability (and here some lower-tier reorganization might have helped) the regional planning agency will be able to withdraw from local involvement altogether. Accordingly, and without suggesting that no tensions will accrue in the process of reconciling conflicting local and regional objectives, the prospects for a successful regional planning operation in Ottawa-Carleton appear to be bright.

At the other end of the spectrum is the District Municipality of Muskoka, a collection of resort-oriented municipalities with similar, but without common problems. Notwithstanding the production of a District Official Plan, the regional planning operation will really amount to a local planning service. The economies of scale and a uniform level of planning standards, inspection, and enforcement promise significant improvements over the previous circumstances.

That there is no truly regional planning role will not matter. The lower-tier municipalities in Muskoka are too small to initiate their own local planning programs, so that the district municipal planners need not suffer competition in their conduct of what is a centralized, but still local planning operation. Success will depend largely on the maintenance of sensitivity to local objectives from a second-tier position.

Regional Niagara and Regional York lie somewhere between the poles, and will probably face difficulties in consequence. Although the Peninsula enjoys a recognizable geographic identity, it remains very much a multi-centred area. In terms of regional planning, there are some matters of common concern, but it is not certain that these can be readily distinguished from important, and even repetitive, but still local, matters – and emphatically regarded as such by the local municipalities. A further problem may arise in the form of local conflicts, especially among the several strong and competitive urban centres. As a result, a truly regional planning role may be more difficult to establish and maintain.

Seemingly an even more formidable task is faced by the planners for Regional York, a municipality without any centre, and with obviously divided rather than common interests. For Markham, Vaughan and Richmond Hill, the only regional concerns are those which are shared

11. The Ontario Municipal Board is the only body which has openly and consistently adopted a strongly critical attitude of Metro's position.
12. Legislation permits advisory bodies appointed by the municipal councils.

among themselves or with Metropolitan Toronto.[13] The northern municipalities really share no common planning interests.

As long as the lower-tier municipalities avoid programs of their own, the Regional York planning operation can function successfully and usefully as a local planning service. Once again, responsiveness to local wishes in spite of centralized service will be critical. However, it seems probable that if and when difficulties arise in the municipal planning process, they will do so – where local residents insist on settling their own local planning issues, with their own staffs, and where Regional York proposals conflict with interests of a truly regional nature which are focussed on centres outside the regional municipality.

Both of these prospects are strongest in the south. In recognition, a co-ordinating committee comprising senior political and technical representatives from Regional York, Metro Toronto and the Province has been established.[14] In addition to resolving specific problems, hopefully this committee will also provide valuable insights into the whole broad question of relationship between regional municipalities.

Important questions to be resolved as local government reorganization proceeds are found essentially in the following areas:

a) The characteristic dispersal of authority and responsibility between the regional body (e.g. transportation and servicing) and the local bodies (local development policies) has worked until now, at least in part, because of the Province's implicit role as referee. As the Province proceeds to shed its authority over local plans and restricts itself to a basic provincial interest in regional structure, will it also abandon this potential refereeing function? Statutory appeal procedures aside, can the Minister's actual authority over local decisions be effectively transferred to a supervisory level of municipal government? If authority *is* to be transferred effectively, clear understandings, legislative *and* political, must be reached between the two levels of municipal government. In particular, the nature of local "official" plans, their legal status, and above all their "conformity" requirements, may need considerable clarification.

b) A related question concerns the possible exclusion of zoning authority from the approval powers to be delegated and the retention of this approval with the Ontario Muncipal Board. As will be discussed in some detail, zoning as a protective device rests fairly easily within the ambit of an independent tribunal; it is ill-fitted, however as a constructive planning tool for regulating the character of new development emanating from growth or change. New legislation enabling municipal exercise of new forms of development control will hopefully improve the situation. However, to the extent that new development control agreements remain within the basic format of bylaw approval under OMB purview, the delegation of planning authority to the regional governments will be of diminished effectiveness.

c) Equally important is the question of those municipalities (a wide majority) which will remain outside the local government reorganization program for some years at least. If the philosophical base of the two main trends (abolition of planning boards, devolution of provincial authority) is found acceptable for the regional municipalities, it is difficult to see where and how it is unsound for the others which can demonstrate equivalent planning capability. It is difficult to perceive the essential distinctions, in a planning sense, between an Ottawa or a Toronto, say, and a London or a Windsor, except for the fortuitous geographic circumstance which has given the first two of these municipalities a regional type of supervision which will, in time, do away with much of the Province's direct authority.

d) There is a final question which is perhaps of minor, but illustrative, significance. Where regional government follows the conventional two-tier pattern, the second-tier municipalities are still lacking some important responsibilities. One of these is urban renewal. In Toronto the metropolitan responsibility for urban renewal has until now been solely financial (50 per cent of the municipal contribution), and the new regional municipalities have equally limited perspectives. In Niagara, for example, where there are three competing central area proposals floating around, some kind of more substantial regional authority over renewal would appear to be in order.

More curious still is the absence in the second-generation regional government legislation of what had previously been seen as an important regional responsibility: the establishment of regional park systems. Even allowing for specialized local circumstances in Ottawa and Niagara, and for conservation authority activities generally, it is difficult to understand why regional parks are properly a charge on the Metropolitan Toronto taxpayer (including the industrial and commercial taxpayer) and not on his counterparts in Ottawa and Niagara, or, for that matter, Aurora and Richmond Hill.

13. The new airport and the Cedarwood Community will accentuate the ties to the south and to the east.
14. The Liaison Committee is chaired by the Provincial Treasurer, and includes the Regional Chairman, the Metropolitan Chairman, and planning commissioners among the civic staff members.

Chapter 3

Planning at the Provincial Level

3.1 The Community Planning Branch

The Community Planning Branch was originally created as a part of the Department of Planning and Development established in 1944. The Branch assumed responsibility for the administration of The Planning Act when it was passed in 1946, and since that time has remained as the focal point for provincial involvement in the municipal planning process. In 1959, the Branch was transferred to the Department of Municipal Affairs when Planning and Development was separated. As these pages are being written, a major reorganization of provincial departments is in progress. Whatever the outcome, it is evident that the functions of the Community Planning Branch must and will be continued in some form.

Community Planning Branch was always something of a misnomer for an agency which did not, as a rule, plan communities. The most noteworthy exceptions which prove the rule were the mining towns of Manitouwadge and Elliot Lake, planned and developed by the Branch during the Fifties. In recent years, the mining settlement at Ear Falls was perhaps the most significant project of that kind undertaken by the Branch.

The Community Planning Branch has two principal functions relating to municipal planning, as illustrated diagrammatically in *Figure 4*. The first is the administrative function, involving ministerial approvals and initiatives under The Planning Act. The second is the support function, the objectives of which are the extension of municipal planning throughout the province and the improvement of its quality.[15]

The administrative function has always absorbed by far the greater proportion of the staff and budget available to the Branch. The workload has steadily burgeoned, while the pressure has remained unremitting.

Ministerial approvals are involved in:
– establishment of planning areas
– appointments to planning boards
– official plans and amendments
– municipal land dealings

Figure 4
Community Planning Branch functions

15. The Branch also provides data and staff for interdepartmental task forces, but this is a provincial rather than a municipal service.

– designation of redevelopment areas
– carrying out renewal studies
– consents in unorganized territory and in municipalities without committees of adjustment or county land division committee
– part lot control bylaws
– plans of subdivision
– cash in lieu of 5 per cent park dedications
– sale of 5 per cent park lands,
all under The Planning Act, and all approvals under The Condominium Act.

Many of these approvals (especially official plans and subdivisions) entail consultation with a growing number of provincial and federal agencies, as well as the municipalities concerned. Much more than mere circulation of applications and receipt of comments is involved. Whereas in the early days, other provincial departments tended to be perfunctory in response, their present awarness of the inter- relationships, and the Province's own planning programs have resulted in intense concern over municipal planning matters, with the consequent necessity for more and more negotiations of a very direct kind. If there was a real turning point in departmental attitudes, it came in 1966 with the *Design for Development Part I* statement which declared that all departments would have to follow a joint set of objectives instead of acting unilaterally.

Ministerial initiatives under The Planning Act include:
– varying the constitution of planning boards, etc.;
– defining planning areas;
– making grants for urban renewal and other planning studies;
– establishment of county land division committees;
– imposition of orders for subdivision control and zoning and initiating actions to restrain contravention of such orders;
– setting rules of procedures for committees of adjustment and land division committees;
– appealing decisions of committees of adjustment or land division committees;
– reporting to the Ontario Municipal Board on zoning bylaws, with respect to conformity with official plans, government policy, provincial interests, and general quality.

The increased exercise of initiatives has been one of the significant evolutions in Branch activity during the past decade. The accumulated evidence of the unwillingness or inability of many municipalities to carry out proper planning programs has prompted the Branch to seek more frequent ministerial appeals of consent approvals, and greater employment of ministerial orders for subdivision control and zoning bylaws. Thus the exhortations of the Fifties evolved into the persuasions (and coercions) of the Sixties.

After the UDIRA[16] policy statement of 1966, the number of ministerial appeals of locally approved consents increased, especially were non-farm homes in rural areas were involved. Even at that, action could be taken in only a small proportion of the cases. A 1968 study revealed that, if all desirable appeals were initiated, the Branch would average 40 cases a week, each of which would require an OMB hearing. Of necessity the Branch has concentrated its energies in the worst areas, (i.e. in municipalities where more than 100 consents are granted per year, or where attempts are made to create whole plans of subdivision by the consent process) and in cases where the Minister is almost certain of winning.

Ministerial orders were used initially in unorganized territory in Northern Ontario. Later, and after extended correspondence and meetings had failed, orders for subdivision control were proposed on organized municipalities in the Districts of Rainy River, Kenora, and Sudbury, Bruce County and the Lake Scugog area. In 1970 the whole province was put under subdivision control, after which all municipalities without committees of adjustment or land division committees came directly under Branch administration for consents.

Zoning orders were first applied in the Townships of Broder and Dill (Sudbury area) and around Temagami, and later in the Townships of Tilbury North and Nottawasaga in Southern Ontario. Like consent orders these were employed really as a last resort.[17]

These actions by the Branch in its administrative role are symptoms of the major dilemma in municipal planning faced by the Province. Knowing full well that a better planning job can and should be done at the municipal level, the Branch is being drawn into intensified scrutiny of municipal plans and planning applications, and the greater exercise of ministerial initiatives. Because of the provincial inclination to treat all municipalities in the same way, the increased supervision tends to embrace competent and incompetent municipalities alike.[18] The total effect is to centralize more and more of the municipal planning process in provincial hands. Yet to do so is only to invite disaster of an even more serious kind, in the inevitable administrative breakdown under the sheer weight and complexity of the task, and ultimately the total discredit of the planning process, both provincial as well as municipal, in the public eye.

16. "Urban Development in Rural Areas", issued by Hon. J. W. Spooner, Minister of Municipal Affairs.
17. In 1972, a new initiative was utilized for the first time, when the Minister relieved the Kingston Township Committee of Adjustment of its power to approve consents.
18. A classic illustration is afforded by the so-called "hazard lands" policies, initiated by the Conservation Authorities Branch, and now imposed on municipalities through Community Planning Branch intervention in official plan and zoning bylaw amendments. Initially concerned with the protection of watercourses, these policies have been extended to require conservation authorities' approval of any development on wide areas of sloping

Further, the more energy which is absorbed by the administrative side, the less is available for the vital support side of the Branch's operation, which is directed toward strengthening municipal planning capability, wherein lies salvation.

The extent to which ministerial initiatives could be exercised depended, of course, on the attitude of the Minister of the day, and there have been ten in the history of the Community Planning Branch. In a broader sense, it also depended on the level of acceptance of planning by the public in general, and the imposition of provincial controls in the interests of environmental improvement. That widespread public concern for planning in Ontario had built up by the Sixties must be credited in at least some measure to the perseverance in the educational and promotional work which had been the primary activity of the Branch on the support side during the late Forties and throughout the treadmill years of the Fifties.

The support activities of the Branch include:
– general and specific advice to municipalities on plan preparation and on plan applications;
– educational and promotional work;
– special studies, on a project by project basis;
– dissemination of information on general and specific planning subjects.

In advising municipalities on plan preparation, the Branch staff is careful to limit its involvement to working out terms of reference, and the scope, content and cost of the work which is to follow (i.e. the "study design"). Thereafter, Branch personnel serve on joint municipal-provincial committees to review the progress and quality of the project as it proceeds. On only two occasions, Grimsby and Cobalt (and those some years ago), has the Branch actually undertaken a municipal planning assignment directly. As a general rule, the Branch has always followed the commendable principle that local plans should be prepared locally. To make this possible, the Branch has begun [19] to offer to underwrite part of the costs for both the study design and the resultant work package itself where comprehensive planning projects are proposed (e.g., Parry Sound District). Experience is beginning to crystallize into policies in respect to grants for general planning purposes. Previously, only specific projects (e.g., the urban renewal schemes) had received direct financial support.

To co-ordinate municipal goals and strategies with provincial policies in major municipal planning projects, provincial Technical Liaison Committees are being established, including technical personnel from the Branch, the Ministries of the Environment, Transportation and Communications and other concerned agencies. At this writing, nine such committees are operative – in Bruce, Grey, Hastings, Muskoka, Niagara, Ottawa-Carleton, Quinte, Sault Ste. Marie and York.

The educational and promotional effort involves a wide range of activities which include arranging conciliatory meetings between planning boards and councils, holding county area workshops for municipal officials and staffs on planning subjects, supporting municipally or privately sponsored seminars (e.g., Northern Ontario municipalities' planning conferences, Stratford Seminar on Civic Design) financially or through resource personnel, and convening special seminars for municipal planning staff on professional subjects (e.g., computer simulations in land use planning, December 1970).

The Branch field offices were established initially for educational and promotional work among municipalities, but the field staff now provide a wider range of advice and service on planning applications and municipal planning studies. The first field office was located in Thunder Bay in 1963, and since then offices have been staffed in Sudbury (1964), Ottawa (1967), and London (1968).

The importance of the educational and promotional work of the Branch cannot be over-stressed. It is the first step on the road to municipal planning capability. Not all of the effort yielded results, and note has been taken of the many municipalities where initial municipal enthusiasm drained away as provincial attention turned to other localities. Nevertheless, it remains a fact that most of the solidly based local planning operations had their beginnings in the dauntless promotional effort of the Community Planning Branch.

Experience showed that the initial promotional effort was not always sufficient. Newly born local recognition for planning had to be nurtured, but it was well beyond the resources of the Branch to wetnurse everywhere at once. Perhaps it was the tendency to treat all parts of the province the same way which submerged a more studied approach.

In hindsight, it is evident that the early promotional campaign lacked a sense of priorities, and a focus on those parts of the province where the need was greatest and the prospects for success the brightest. Above all, a program tailored to the Branch's capabilities for sustained support might have conserved much of the time and energy invested and lost in initiating municipal planning operations which soon collapsed. That this lesson has

or low-lying land. This requirement ignores the fact that many municipalities already enjoy fully competent building inspection and engineering advice and have no need for such tutelage.

19. Waterloo County in 1966 was perhaps the first provincially assisted comprehensive municipal planning program. OAPADS was probably the most ambitious.

been learned is more evident now in the Branch's approach to the establishment of new municipal planning areas.

From time to time the Branch has carried out special studies of its own in particular geographic areas (e.g., Niagara Fruitlands, Sudbury Basin, The Seaway Valley). These were usually in response to special development pressures or problems and not in any sense part of a systematic program of developing base data for municipal use, nor were they all aimed at providing a regional framework for municipal plan making. (The Haldimand-Norfolk Study may prove to be an exception.) Whatever its value for provincial purposes, the importance of the Special Studies Section of the Branch for municipal planning has not been great.

In the research field, the Branch never did generate a really active section, aggressive in the pursuit of answers to the everyday questions which confront the municipal planner in plan-making and day-to-day administration (e.g., trends in retail shopping patterns, standards for mixed use buildings, experience in industrial parks, trailer courts, cluster housing). In partial consequence at least, municipalities rely on standards and techniques in zoning, site plan and subdivision design which are distinguished chiefly by obscure origins and wondrous longevity.

During the last decade, the Branch has increased its output of publications on a wide variety of planning topics [20] some of which formed the background to new legislation (e.g., "A Better Place to Live" – urban renewal provisions). Most useful for municipal planning purposes were the series of urban renewal manuals which set out the sort of specific guidelines which the municipal planners crave, especially those outside the major population centres where experiences can be more readily compared and exchanged between municipalities. Manuals dealing with other municipal planning matters are clearly desirable.

In the dissemination of new policies and regulations on municipal planning matters, the Branch has relied on a variety of means. Correspondence and negotiations with individual municipalities, the workshops and seminars, publications, ministerial addresses, and the periodical *Ontario Planning* have all been employed.

The latter is deserving of special mention. *Ontario Planning* was instituted in January 1954 and in his introduction, the then Minister stated his hope that

". . . the new publication would make a useful contribution to the progress of planning in the province. The Community Planning Branch has long felt the need to maintain closer contact with planning boards and others interested in planning in Ontario and it is our hope that the pages of *Ontario Planning* will do this."

In brief, its purpose was stated as that of collecting useful planning information produced mainly by the Branch, or derived from various sources, and it was seen as a means of channeling some of the more valuable items of this information to those who were in a position to make use of it. Taken as a whole, the issues have contained a wealth of information on planning in the province. Procedures for the submission of applications have been explained in detail on a number of occasions, as have almost all of the activities of the Branch.

In recent years, publication has been somewhat sporadic, and it has taken on something of the form of a newsletter rather than a journal.

As a result of the varied means employed, new policies are not always fully and forcefully brought home to the intended recipients across the whole province. A more systematic approach seems advisable, one which affords due status to ministerial pronouncements on policies, regulations and procedures and ensures proper recording and adequate public access to them at the municipal level.

In the matter of public participation, the Branch has been mainly concerned that public meetings are held, and that open hearings have been given at the municipal level to matters which come before the Minister for approval. While the Branch has properly avoided telling municipalities how to conduct the municipal planning process, very little has been offered in the way of guidance outside the urban renewal field. "Let the People Know", a short paper published in 1967, has been the only item of general circulation to municipalities in this important area.

The expansion of provincial plan-making has thrust a new and difficult assignment upon the Community Planning Branch. As the link between planning activity at the two levels, it is the job of the Branch to facilitate the integration and co-ordination of the two. The task is not made easier by the fact that provincial plans are still in the making, and municipal plans are undergoing an almost total realignment and review.

These circumstances are likely to prevail for at least the next several years. The prospects are very real that time spent in meetings to co-ordinate inter-governmental and

20. "Bibliography, Selected Reports and Reprints Available" Community Planning Branch, Department of Municipal Affairs, 1970.

inter-departmental planning activities will constitute a quite serious drain on the ability of senior staff to carry out their regular administration duties.

With this in mind, and with the inter-dependence of the two processes so evident, it seems clear that the future reorganization of the provincial government should ensure the closest possible physical and organizational relationship between the Branch, with its continuing responsibility for the municipal planning process, and the agency charged with the provincial planning assignment.

3.2 Local Government Reviews

Through the Department of Municipal Affairs and beginning in 1964, there have been a series of local government reviews carried out in eight areas of the province by "independent" commissioners (Ottawa-Carleton, Niagara, Peel-Halton, Hamilton-Wentworth-Burlington, Kitchener-Waterloo, Muskoka, Lakehead, and Sudbury). In one area, Brant-Brantford, a commissioner was never appointed, although the first stages for review were begun. In another, York, there were a number of studies, none formally ordained. In two other areas, the planning component was predominant; in Haldimand-Norfolk, the process in late 1972 was nearing completion; while in the other, OAPADS, by the decision of the municipalities involved, the study has been wound up before completion.

"Regional" municipalities have been introduced and are functioning in Ottawa-Carleton (1969), Niagara (1970), Thunder Bay (1970), York (1971) and Muskoka (1971). By January 1, 1973, two others, Sudbury and Kitchener-Waterloo, have been established. The relationship of the legislation to the studies is minimal. All except Thunder Bay, which in reality is an amalgamation and annexation,[21] are two-tier structures modelled loosely after what was installed in Metropolitan Toronto in 1954 and amended in 1967.

In terms of the municipal planning process, the legislation substantially improves the previous circumstances in an operational sense. To some extent, internal boundaries within the counties that were designated as regions have been rationalized. Planning boards have been eliminated and planning has become a council responsibility with the planning staff functioning much like the other civic departments. In each of the cases, official plans have been made mandatory, but the legislation did not specify their contents nor were sanctions imposed if the established deadlines for adoption are not met.

In one of the studies, Haldimand-Norfolk, considerable effort was expended on a public attitude study for the first time.

The results generally indicated that the residents of the area did not want any form of consolidation or "regional government", bringing into focus the essential conflict between local experience and wishes, and the application of policies on a regional scale.

The basic problem inherent in the regional government program thus far is its lack of relationship to the provincial plans and programs emerging from the regional planning and development activities. Thus Dr. Richard Thoman (former Director of the Regional Development Branch and now in private practice) could state:

> "Regional government, as its name implies, is concerned largely with the readjustment of the mechanics and powers of governments themselves, whereas regional development is concerned with such broader issues as the general well-being of the people in all regions of Ontario, and with the physical setting. Regional government could exist without physical development."[22]

Where *ad hoc* solutions, based on old county boundaries, prevail in conflict with projected or prescribed regional growth patterns, the operational advantages for municipal planning are certain to be substantially offset by the fundamentally unsound boundaries of the planning jurisdiction.[23]

3.3 The Regional Development Branch

Despite the early promise of The Planning and Development Act of 1944, it has not been until quite recently that the Province has begun to develop a planning arm of its own. As noted above, the Community Planning Branch has functioned primarily as an administrative agency overseeing an operation which is essentially municipal.

Out of an international conference on regional development organized by the Department of Economics and Development came reinforcement for the regional development program and for the activities of the Regional Development Associations (later Councils) throughout the province. From this came *Design for Development: Phase I* (1966) and *Phase II* (1968), which were policy statements announcing first the government's commitment to "assisting the orderly and rational development of the province" and, secondly, the government's policy to extend regional municipal government across Ontario.

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21. The City of Thunder Bay was created by the amalgamation of Fort William and Port Arthur, and the annexation of parts of neighbouring Shuniah and Neebing. The commissioner's proposal for a huge second-tier district municipality surrounding the western end of Lake Superior was not implemented.
22. Extract from "Design for Development in Ontario: The Initiation of a Regional Planning Program", p. 91. (Toronto, Allister Typesetting and Graphics, 1971).
23. As discussed for example, in terms of the Regional Municipality of York.

During the same period, MTARTS[24] was winding down. This had been a six-year, multi-million dollar transportation study from which the principal conclusion drawn was that there should first be a land use plan on which to base the transportation plan. Four "Goals Plans" were postulated, for comparison with two "Trends Plans", and the obvious need was for an evaluation and selection of the most appropriate.

Into the breach stepped the Regional Development Branch, by now a part of the Ministry of the Treasury and Intergovernment Affairs. In its production of *Design for Development: The Toronto-Centred Region* (1970), and in its initiation of studies in the other economic regions, the Branch has become established as the principal planning agency of the Province of Ontario.

In its work to date the Branch has demonstrated surprisingly little technical sophistication, despite obvious possibilities for computer simulations to test land use and transportation alternatives. The preference is obviously toward prescriptive rather than projective methods which may be all well and good. However, notwithstanding the Branch affiliation with Treasury and Economics, little has been published to date that would indicate how the economic consequences of its proposals have been evaluated (or whether, in fact, they have been evaluated).

The Branch has developed a task force approach in the conduct of some of its work, drawing on personnel seconded from all of the major departments and commissions, in the search for solutions to specific problems on a co-ordinated basis. The wheel has thus turned full circle, and the planning and co-ordinating role first envisioned in The Planning and Development Act 1944 had finally found expression in the Regional Development Branch.[25] Paradoxically, the role fell not to the Community Planning Branch, but to a lineal descendant of the old Trade and Industry Branch which had also been established as a part of the original Department of Planning and Development, and for the purpose of attracting new industry to post-war Ontario.

Answers are now being sought for the many resultant questions, most notably for this review the relationship between the Province's new planning activities through the Regional Development Branch, and the administration of The Planning Act which remains under the Community Planning Branch. The two activities may be roughly equated to long-range planning and current operations in a municipal planning agency. It would seem prudent to arrange for a high degree of co-ordination and close day-to-day working relationships between the two, and wise to seat the authority for co-ordination at a level immediately above the actual conduct of the work. It is already evident that the emergence of the Province in a direct planning role is among the central facts for the future of the municipal planning process in Ontario. It is vital that policies and procedures be framed that will channel both efforts along mutually supporting lines.

3.4 Provincial Intervention

With regard to the new provincial planning function, several crucial aspects warrant examination, including:

a) The actual nature of the provincially-determined framework within which municipal planning will be operating. It is still far from clear if the Province is directing itself primarily to the establishment of a broad-based provincial strategy and "structure" plan, within which the role of each region is defined, or whether its aim is the actual production of a series of regional plans, within which essentially local determinations can be made.

Current evidence is not very clear. The prospective scope of the provincial regional plans may have altered since the initial prospectus from the Regional Development Branch, but the evolving plan for the Toronto-Centred Region and particularly its day-to-day operation, have left relatively little to the municipal imagination (either regional or local). Whether TCR is expected to provide a model for the forthcoming "Phase III" provincial regional plans remains obscure. What may be in store perhaps, is the prospect of provincial regional plans, or, alternatively, provincial plans regionally expressed, which will vary considerably in scope and content as between specific regions and localities. Whether such a pragmatic position, undoubtedly congenial for many provincial purposes, can be expected to provide a suitable framework for rational municipal purposes is at least doubtful. What appears quite certain however is that the current spate of provincial regional planning activity is proceeding without the benefit of a visible overall provincial development plan or strategy.

b) Provincial plans for and within the regions should be expected to reflect current and/or evolving government philosophies in such matters as environmental conservation, urban transportation, the allocation of housing resources, etc. Again the evidence is not conclusive. Provincial highway behaviour in the Toronto region, for example, gives at least a superficial impression of being something less than consistent with the government's stated philosophy concerning municipal highway policy as expressed in the Spadina Expressway decision.

24. Metropolitan Toronto and Regional Transportation Study.

25. There are, of course, other bodies directed toward policy planning and co-ordination, of which the Cabinet Committee on Policies and Priorities, and the Advisory Committee on Regional Development are senior.

Witness the persistent Highway 400 widening program north from Toronto, the Highway 401 widening program east from Toronto, the imminent construction of Highway 403 west from Toronto, the steady acquisition of Highway 404 right-of-way north of Toronto; or, most startling, the recent shy emergence of the East Metro Freeway. Provincial plans are viewed as co-ordinating instruments for specific provincial programs (transportation, housing, recreation, trunk services, industrial development, etc.). Can they also be expected to reflect other crucial policy areas which deeply affect municipal planning and development? Including, for example, social welfare and health services, educational financing, higher education, assessment practices, and – not to be forgotten – the prevailing philosophies and procedures of the Ontario Municipal Board.

c) The form and extent of local participation in the provincial plan-making process is still uncertain and requires determination. Recent experience does not present much hope for systematic and effective local involvement. At least two important questions can be seen as requiring resolution:

i. The establishment of suitable methods for arranging the necessary accommodations between broadly determined provincial goals and specific locally-based goals. The implementation of provincial population and employment allocations can, in particular, require substantial investment programs for services and facilities; how is the balance to be struck between these requirements and locally determined capital works needs?

ii. The serious lack of information available to local governments as to the basis for provincial policies and plans. Information, such as it is, has to now been largely one-way. There has been, at least until recently, relatively little effective feedback or true interaction between provincial and municipal levels in the exchange of profoundly affect local interests. The TCR process, as an example, appears (publicly at least) to be notably deficient in its provisions for continuous review and systematic change, features frequently cited as a *sine qua non* for municipal planning. It is understood, for example, that 200 briefs were received following the original TCR report – 65 from municipalities, 13 from government departments, 48 from developers, 38 from private organizations, and 36 from individuals. Some 40 public meetings were held. The Regional Development Council most directly involved lacked important municipal representation (e.g., Metropolitan Toronto itself).

The subsequent *TCR Status Report* indicated that "a solid endorsement of public response in the briefs and submissions which have been received" contributed greatly to the decision to adopt the TCR concept as government policy.

This statement may be taken at face value or discounted according to the observer's predilections. The briefs have not been published, the government's response to the briefs has not been publicly articulated and the public dialogue was at best elusive. There is in fact ample reason to believe that the public's briefs had little effect on the concept.

The deficiencies in the information process are also highlighted in the history of the MTARTS studies, the direct predecessors and presumptive base for the TCR proposals. Notably missing from the reports issued and information provided were the actual regional transportation studies themselves, the original *raison d'etre* of the MTARTS operation. Whatever their defects may have been, it is a fair presumption that one of the main products of this massive exercise in provincial plan-making on a regional level warrants *some* kind of public examination – if only to learn what was found to be so unacceptable in the planning procedures of the day, to gain some insight into how MTARTS turned into TCR, and, possibly, to secure some understanding of the total absence of a regional transportation plan in the TCR package.

d) The imposition of provincial regional plans can, everything else remaining equal, add to the already complex processes of planning and development control. This was to an extent the experience in the Toronto region, while the responsibility for developing the TCR plans was structurally separated from the basic responsibility for approving development plans. Procedures can certainly be tailored to simplify the processes, and it is to be hoped that the merging of regional planning and plan approval authority in one Ministry will be favourable in this respect. What is particularly important is the need to develop suitable interim arrangements, while provincial plans are in the course of preparation, which will permit municipal planning and development programs to proceed with a reasonable assurance of stability.

e) Finally, there is a need to allow for significant geographic variations in the regional government and planning structure. Continuing co-ordination will be needed between different regional plans (as in the Toronto-Centred Region), and between different kinds

of regional plans. And it will be necessary to accommodate within the Province's regional planning framework the many municipalities which will remain outside the regional government framework for at least some time to come.

All of these questions concern essentially the changing provincial role in municipal planning, and the municipal adaptation to this changing role. The issues were dramatically emphasized in the Spadina Expressway affair. This relatively crude provincial intervention into what previously had been taken as a significant example of orderly municipal planning and programming was, in essence, directed toward the achievement of barely discernible provincial development goals and was articulated within the almost non-existent framework of a nascent provincial regional plan.

Despite later provincial assertations that the government's Spadina decision was taken within the context of the TCR concept, the facts seem a little different. There is little in the original TCR Report which can be taken to either support or condemn any specific transportation facility or transportation philosophy. On the contrary, it is one of TCR's significant features that Metropolitan Toronto and its development plans rest inviolate within a web of what are essentially fringe, exurban and rural policies. The popular belief that the TCR plan is aimed at the decentralization of economic activity or any other effective limitation of metropolitan growth is placed in serious question by the government's explicit support of the Metro Centre proposals, not to mention its own rather massive building program in central Toronto.

The immediate Spadina issues in Metropolitan Toronto (whether involving substantive policy matters or simply bruised egos and offended political sensibilities) have been pretty well papered over by now. New joint study programs (remarkably reminiscent of MTARTS) have been inaugurated; a thoroughgoing review of the Metropolitan Plan is underway; the Province has apparently reaffirmed a policy of not seriously restricting the metropolitan economy or commercial base; some delegation of ministerial powers is evidently in the offing; and political memories, while perhaps poignant, are bound to fade with time as new affairs crowd onstage.

Yet the lessons of Spadina warrant serious attention. It is important to know what the Province is about when it interposes itself so devastatingly into the local scene. Is such intervention based on reasoned judgments, does it derive from a systematic concept of development and planning goals, or are such actions simply the response to political intuitions?

It is here that the question of real accountability emerges. The Province's actions are well within the British tradition of strong central government. However, in the United Kingdom, channels exist for counter-balancing the heavy arbitrary hand of central government. The third London Airport affords a case in point. In Britain the basic information which underlies important decisions can be secured, albeit often with a struggle. For municipalities in Ontario to function effectively in the face of the strong provincial presence, adequate access to provincial information and a suitable non-political degree of provincial accountability would seem to be equally necessary.

3.5 Other Departments and Commissions

Many other agencies have programs and policies which seriously affect municipal planning; among these are the Water Management Division (with major water and sewer policies and programs); the Conservation Authorities Branch (with its "hazard lands"); the Ministry of Transportation and Communications (highways) and the Ministry of Resources, (in terms of land acquisitions). One cannot, of course, overlook the importance of the Ontario Housing Corporation as well. Although the Corporation is still primarily a builder and an operator, its entry into the land development field will undoubtedly raise, in time, a new set of questions for local autonomy in the municipal planning process.

For the time being, these agencies enjoy effective means of inserting their policies into the municipal planning process through the Community Planning Branch, which effectively guards any provincial interests in its review of applications for ministerial or OMB approval of official plans, zoning bylaws, subdivision plans, etc.

The Department of Trade and Development, through its industrial incentive program, did function to some extent as a catalyst for the municipal planning process by stimulating new or accelerated growth activity in various localities. The application of the program appears to have been wholly short-term political in its motivation, and quite without regard for any development concept or strategy for the province in whole or in part. Some of the Georgian Bay ports (e.g., Midland and Collingwood) and certain eastern Ontario communities (e.g., Hawkesbury) enjoyed brief demonstrations of the real and positive results that can flow from such a program thoughtfully applied. On the other hand, a glass plant

and a paper mill in the province's premier resort area, and a proposed industrial park in the most unservicable part of rural Whitchurch are among the less seemly manifestations of the program when based only on a policy of "growth for the sake of growth".

It now appears that this program, and those of the other provincial agencies are beginning to be co-ordinated, and the impacts assessed through staff participation in multidisciplinary planning task forces set up under the Regional Development Branch operations and in the regional advisory boards of senior field people from branch offices of the various provincial departments and commissions.

3.6 The Ontario Municipal Board

The Ontario Municipal Board plays a most significant, and, in recent years, highly visible role in the municipal planning process. This Board, which is an administrative tribunal rather than a government agency, holds hearings, makes findings of fact, and applies policy on a wide variety of municipal planning and financial matters. Its proceedings are conducted through the adversary process with all the dignity and decorum of a court of law. In the words of its chairman of many years, J.A. Kennedy, the Board provides:

"a forum in which all parties can be heard after due course in an adversary proceeding, and objective appraisal made in the light of all circumstances threshed out at an open hearing."[26]

The Ontario Railway and Municipal Board was created in 1906 to supervise the administration of The Ontario Railway Act, and to assume several important, but limited, municipal review functions. In 1932, it became "The Ontario Municipal Board" and many of its duties were redefined in order to create:

"a more useful and assisting body to the Municipalities of this province; not to direct them as to what they shall and shall not do, not to interfere in their affairs but to be a central body to whom the Municipalities can appeal for guidance and advice and information so that the Municipalities can carry on their affairs to the best advantage".[27]

Since that time its powers have been extended to include almost every aspect of municipal finance and development.

Under The Ontario Municipal Board Act the Board is nominally responsible to the Minister of Municipal Affairs, he in turn responsible to the Ontario Legislature. In practice the Board enjoys almost complete autonomy.

The Board members, its chairman and vice-chairmen, are appointed by the Lieutenant Governor-in-Council and hold office "at pleasure". There are now seventeen full-time members supported by a small administrative and clerical staff. The Board has no research or technical staff and carries out no independent investigations or special studies.

Decisions of the Board may be appealed in two ways: Appeals on questions of law or jurisdiction may be made to the Ontario Court of Appeal, under Section 95(I) of The Ontario Municipal Board Act. Those on other matters may be made to the Lieutenant Governor-in-Council (the Cabinet). He may "confirm, vary or rescind" the whole or any part of the decision, or require the Board to hold a new public hearing (Section 94, Ontario Municipal Board Act).

The Ontario Municipal Board has four major functions:
– The approval of capital expenditures by municipalities. (Ontario Municipal Board Act, s. 64);
– Assessment appeals (The Assessment Act, ss. 37 & 83);
– Approval of matters under The Planning Act, i.e. zoning bylaws (s. 35); redevelopment plans (s. 22); committee of adjustment appeals (s. 42); official plans, and amendments, and subdivision plans upon referral by the Minister (ss. 15, 17 and 33);
– Municipal boundary revisions – amalgamations, annexations, etc. (ss. 12-14, 17-21 and 25 The Municipal Act.)

The Board is thus clothed with powers of considerable magnitude, and all have some implications for municipal planning. However, it is the last two functions which are of particular importance to this review.

a) Planning Applications

The Board's decisions on municipal planning have been analyzed to reveal three distinct levels of concern.[28]

On the most basic level the Board deals with micro-planning problems, i.e., the regulation of the use of a particular piece of land. Although consistently maintaining that its function is not to do the planning for any municipality (unless irresponsibility can be shown), the Board has developed its own set of criteria for judging planning cases. Most of these concern the protection of individual property owners from environmental and economic nuisances. As stated in the Board's decision re Kinderlaw Industries Ltd. (Toronto Township 1962):

26. J.A. Kennedy "Some Observations on Planning Law", *Special Lectures of the Law Society of Upper Canada*, 1970, p.162.
27. H.L. Cumming "Organization and Functions of the Municipal Board" *Proceedings*, O.M.A. 1932 p.43.
28. Adler, G.M. *Land Planning by Administrative Regulation*, University of Toronto Press, 1971.

"One important attraction of this science (land use planning) is that it can be made to serve man's basic desire for privacy and related amenities in private dwelling areas."

On the second level the Board is concerned with ensuring that the broader economic and administrative welfare of a municipality is being properly protected. The Toronto Township and Western Gypsum (1960) decision is a case in point. At that time the Board stated:

"It is proper in making these decisions to take into consideration not only the local conditions, but also wider economic aspects—for example the economic welfare of the community".

At the most abstract level, the Board is concerned with ensuring that the decision of the local authorities protects the democratic values and rights of their constituents. The Board is determined to ensure that citizen participation is encouraged in the planning decision-making process, and, as was stated in the Spadina Expressway decision, it considers itself to be:

"A forum to ensure that the interested citizens have an opportunity to express their view, and that minority groups' interests are being adequately considered."

The previous chairman's high profile on major municipal planning matters in the Toronto area has drawn to the Board fulsome praise and criticism in recent years. Of course, most of this seems to be a reflection of satisfaction or discontent at the source of comment on the Board's latest decision. Regrettably, public debate of that kind tends to obscure the very real problems under which the Board operates. If, in municipal planning matters it is the Board's function to apply provincial policy, it is perhaps not surprising that the Board's first problem in the performance of its duties is the lack of such policies to apply. In the absence of clearly articulated and consistent government policies, the Board has had to rely on what can be gleaned from various official sources, but most usually on policies created by the Board itself.[29]

The Board's resolve to function within policy lines can only be applauded. However, through the enforced use of its own inventions, the Board is placed in the unenviable position of visiting policy from appointed origins on elected municipal councils. When those policies conflict with the council's wishes, as they frequently do on major issues, the position becomes invidious.

It is puzzling that this state of affairs has been countenanced for so many years, even acknowledging the

Planning milestone. The Mallory Crescent decision gave costs to the ratepayers against the unsuccessful applicant for rezoning.

evident popularity of some of the Board's decisions. Surely the debilitating effects on local government and the municipal planning process must be evident. If the objective is improved municipal planning decisions, circumstances which undermine the already frail foundations hardly seem conducive to attainment.

In its 1967 Annual Report, the Board asserted that:

"Democracy by definition is the rule of the majority, but if democracy is to promote justice it must have a built-in mechanism to protect the rights of the individual, the minority. This is basically the role of the Board under The Planning Act".

Since this was never challenged by the government, the Board could well feel entitled to proceed on that basis. Unfortunately, as a result of its interpretation of this role, there is an apparent danger of the Board of becoming recognized as a sort of ombudsman for property owners, and this is the second problem. Even as early as the Mallory Crescent case (1966)[30] the Board maintained in its decision:

29. Thus, in the Caledon Township Official Plan Review decision (1970), the Board maintained:
"the Board applies its own policy, of course, developed as a type of jurisprudence in its decisions over the years and constituting what might be termed a uniform approach. And there is government policy. This is found in the statutes, the government regulations which have statutory force, in the decisions of the Executive Council (the Cabinet) on appeals from the Board, and in official pronouncements by the Prime Minister or other ministers responsible in respect of the particular subject matter."

30. A rezoning application for an apartment project in East York near Moore and Bayview Avenues, stoutly and successfully resisted by residents from nearby Leaside and Bennington Heights.

Figure of influence. J.A. Kennedy, Chairman of the Ontario Municipal Board until 1972, wrote many important decisions which interposed a further official viewpoint on local planning in the province.

"those who would benefit (the Township, the developers and the homeowner's who would sell) should not be permitted to do so at the expense of those nearby who are entitled to have their rights protected."

That was the occasion when the Board first awarded the ratepayers' costs against the unsuccessful applicant. The fact that a way has never been found to compensate developer-applicants for unsubstantiated objections from property owners tends to reinforce the Board's ombudsman image.

Residents may indeed require an ombudsman on planning and zoning problems. However, if the ombudsman is to be the tribunal which decides the case, that body can scarcely retain a reputation for impartiality. The Board is called upon to decide many kinds of applications, (only a percentage of which may involve property owners) and, if it is to discharge its functions with broad acceptance, it would seem that its objectivity should be jealously guarded in all matters.

The third problem is mechanical and arises out of the sheer volume of work loaded on the Board, and the geography of its jurisdiction. In recent years the Board has streamlined its procedures, so that only a low percentage of zoning bylaw amendments actually require hearings. The creation of the Land Compensation Board in 1970 relieved the OMB of a considerable burden. Despite these measures and the increase in the Board's membership, the calendar for hearings is booked months in advance.

The spread of planning regulations throughout wider areas of the province, coupled with the upsurge of public interest and citizen involvement in the planning process, can only mean a further escalation of the number of hearings. The adversary type procedure used has undoubted advantages for enquiry purposes, but adds substantially to the time and costs involved.[31] If the operation remains centralized in Toronto, travelling distances to the hearings will remain a serious strain on the Board's members. On the other hand, the prospects for a decentralized operation functioning without clearly stated policies would seem less than enticing.

Given proper policy guidelines from the government, the question arises whether a centralized, court-like tribunal of tenuous accountability is necessary or even appropriate to handle administrative decisions of a planning nature. There is little point in adducing and cross-examining expert evidence if the opinions expressed run counter to policy.[32] A series of regional enquiry panels with expert qualifications, making recommendations for ministerial decisions within articulated policy guidelines, would seem to offer measurable advantages for the municipal planning process in terms of time, cost and credibility.

b) Annexations and Amalgamations

Major annexations and/or amalgamations have taken place in virtually every Ontrio centre in response to the urbanization of the post-war years. Except for those which fell within the Local Government Review program (see above) all were decided by the Ontario Municipal Board under Sections 14 and 17-21 of The Municipal Act. Thus the Board has exerted a profound effect on the boundaries of planning jurisdictions and on the capabilities of municipalities to implement plans.

The Cumming Report, which led to the passage of The Municipality of Metropolitan Toronto Act in 1953, was a signal contribution by the Board to local government, and in its recommendations on planning, to the municipal planning process as well.

Although functioning without policy direction from the provincial governments, the Board did evolve a fairly consistent point of view which is evident in its decisions. In general, amalgamations were favoured which unified urban areas and spread resources and costs more equitably (e.g., St. Catharines 1960, Sault Ste. Marie 1963, North Bay 1966, Iroquois Falls 1968).[33] Amalgamations were also approved to strengthen municipalities where development pressures were heavy (e.g., Burlington 1958 and Oakville 1962). In the same circumstances, the creation of new small units was not encouraged. (Malton 1963, King City 1965).

In annexations, the Board tended to approve the extension of cities and towns to include that which was urban, or likely to be urbanized within foreseeable time limits (e.g., Peterborough 1963, Woodstock 1964, Barrie 1964).[34]

Among other things these decisions tended to rationalize the planning jurisdictional limits to a very significant degree. However, the Board usually refused to approve sweeping annexations by urban municipalities based on a stated need for planning control in adjacent rural areas (e.g., Smiths Falls 1971). It was contended that The Planning Act, through joint planning areas, offered other avenues for the proper exercise of planning controls.

Beginning with the Goldenberg Commission on Metropolitan Toronto, most of the major municipal boundary questions have been caught up in the local government

31. The Spadina Expressway hearings required three members and lasted 16 days
32. At the 1966 Royal York-Dundas rezoning, for example, the overwhelming weight of professional opinion at the hearing favoured the application, but the Board did not have to decide on the basis of the evidence presented. In the Board's own mind, the application lacked merit.
33. A notable exception was Copper Cliff's successful resistance to Sudbury's application in 1959.
34. Again with puzzling exceptions. In 1966 Wasaga Beach was granted annexation of a portion of adjacent Sunnidale, but not a similarly urbanized portion of adjacent Flos. In 1963 Midland annexed a large potential development area in Tay. At the same time, an area in

reviews sponsored by the Minister of Municipal Affairs. Within review areas, municipal status and boundary adjustments will not be heard by the Ontario Municipal Board without ministerial leave. This has tended to reduce the Board's activities in this field somewhat in recent years.

It may be just as well. Without in any way diminishing the significance or the lustre of the Board's accomplishments, it has long been evident that the adversary system under which the Board labours has serious disadvantages for determining municipal structure and boundaries. Notwithstanding the exchange of preliminary statements of claim and defence, opposing cases are put together essentially in secrecy. Neither side can be sure what moves the other will make, nor can they be certain just which aspects will be thought to be of most significance by the Board. Thus the preparation is geared to the presentation of everything possible, rather than the minimum necessary.

During the hearing itself, much that is presented is opinion evidence. The proceedings therefore tend to be protracted by cross-examination of the most searching kind, and the single most important ingredient in what should be a routine administrative enquiry is the individual skill of the barrister. And there are some very skillful ones.

The evidence is naturally atuned to the application as submitted. In consequence, where the Board is not persuaded of the total merit of the application, it might not have heard much that would assist in determining a better alternative. High costs and long delays may therefore yield only very unsatisfactory results. Three examples from recent years will serve to illustrate:

In 1971 the City of Sarnia's application to absorb the Villages of Point Edward and Courtright, and parts of the Townships of Sarnia, Moore, Sombra and Plympton was heard by the Ontario Municipal Board. After a hearing which lasted for two weeks, the application was dismissed. It was defeated entirely by cross-examination, and the defense did not find it necessary to call any of its own expert witnesses. Even at that, combined costs probably exceeded $200,000. There is a serious local government problem in the Sarnia area, but it is not one whit closer to solution for all of that expenditure.

The same thing occurred on a lesser scale in 1967 when the Town of Picton sought to annex 772 acres from the Township of Halliwell. Three days had been set aside by the Board for the hearing, but on this occasion, every witness was heard, and at length. The hearing dragged on for another week, by which time costs were approaching the annual tax yield from the area sought. This application was also dismissed.

In 1971 the Town of Simcoe applied to annex 270 acres from the Township of Woodhouse. The position of the Township and of the property owners affected remained obscure. When the hearing day dawned, the Town assembled its contingent of lawyers, witnesses and officials, ready for any eventuality. No one appeared to object. The hearing took less than ten minutes, and the application was subsequently approved; but all of the time and cost for preparation had been for naught.[35]

It seems reasonable to suggest that consideration should be given to alternate means to deal with this type of problem. If high costs are to be reduced and positive results are to flow from each hearing, it would appear necessary that expert staff be retained by the Board, that the adversary technique be abandoned in hearings, and that the OMB make recommendations for ministerial decisions only within provincial government policy guidelines.

Tiny equally vulnerable to fringe development was excluded by the Board. (The development promptly occurred.)

35. Astonishingly, all of this took place in the Haldimand-Norfolk Study Area where the province itself is expected to announce a complete reorganization of local government within a year.

Chapter 4

Federal Policies and Practices

The federal government has exerted a significant impact on the municipal planning process in a number of areas: housing, urban renewal, and planning promotion (all via the Central Mortgage and Housing Corporation); and through its major public works projects. Consideration of the latter will serve to introduce the subject of the new Ministry of State for Urban Affairs.

Against this mixed background, the main question relates to the prospective impact of increased federal activity on municipal planning. Federal involvement might be expected to take different forms, principally:
– An increasing emphasis on social goals and the promotion of social animation;
– Utilization of federal housing policy (e.g., residential rehabilitation) as an instrument of urban change;
– Specific federal programs, such as airports, regional development, national parks and, possibly, involvement in urban transportation systems.

Although federal actions in the past have affected some municipal planning programs and catalyzed others, they have had relatively little bearing on the actual machinery for municipal planning, or on development procedures. The new federal involvements may be expected to affect planning procedures considerably; the concern with social animation, for example, has already left its mark in some localities. If the sorting out of provincial and municipal planning responsibilities turns out to be a major challenge of the 1970s, the rationalization of federal involvement is certainly also an important requirement.

4.1 Housing

By far the greatest federal impact on the municipal planning process has come through The National Housing Act, which provided loans and loan insurance for housing of various kinds. Too much cannot be said for the series of imaginative programs which were brought out by CMHC in the early post-war years. A generation bought new homes, and a home building industry was created largely as a result. The exclusion of existing housing from the NHA loan provisions was the only serious criticism of the federal housing programs.

Unfortunately, the vigour of the first decade drained away during the second in Ontario. The Corporation's insistence on uniform adherence to national price ceilings for loan insurance approvals, despite marked regional disparities, soon excluded Ontario's housing which was built on expensive, fully serviced land. By then the federal government had lost its early post-war regard for housing as a social necessity, and had returned homebuilding to the general category of construction and other activities to be used chiefly for economic pump priming.

Coupled with the early loss of impetus in the federal-provincial land assemblies, the federal role in assisting private housing has declined sadly in importance in Ontario in recent years. The exception is public housing under Section 35(d) in Ontario. Generally, a municipality requests a specified number of units, for which the Ontario Housing Corporation plans and designs individual projects. With Ottawa acting as prime banker, OHC has moved so energetically that Ontario accounts for some 75 per cent of all units constructed under Section 35(d). (Metropolitan Toronto alone accounts for over 50 per cent.)

Signs of new policies are evident. Ottawa has recently commissioned a number of task forces to consider housing problems. Two of these are, *The Task Force on Urban Assistance* (Milne Report) and *The Task Force on Low Income Housing* (Dennis Report).

A recent issue of *Housing and People* (Vol. II, No. 4) December 1971, asserted that the report of the Dennis Task Force would include at least the following recommendations:

– CMHC should cease to be primarily a public lending institution, but should redirect its concern toward creating comprehensive and socially sensitive housing policies at the federal level. The Task Force indicated that this should include such things as a complete reorientation of its present traditional approaches towards public and low income housing.
– Financial support should be given to the community-based non-profit housing sector (co-operatives, municipal government agencies, etc.); that individuals rather than

Changing times, changing tastes. Medium-density apartments of 1954 contrasted with townhouses and, *opposite,* high-rise apartments of the Seventies.

buildings should receive housing allowance subsidies; and that loans and grants should be made available to low income families and landlords and for rehabilitating older houses.
– An aggressive land assembly program should be undertaken in an attempt to control the most inflationary factor in housing costs.

There is no doubt that if some of these recommendations receive favourable acceptance, there could be a profound alteration in the relationship between CMHC and the municipal planning process, and new directions available for provincial activity in the planning and development field.

4.2 Assistance to Urban Renewal

Urban renewal activity in Ontario, which began in the slum clearance and public housing programs of the early post-war years and which burst into full flower in the Sixties, owes its initiation, growth, and demise to the federal government.

Financial support under Sections 23A and 33(1)(h) of The National Housing Act was the catalyst for a large number of urban renewal studies and schemes, many of which provided the first important content for municipal official plans, especially those of the older urban centres. After a cross-country housing task force, which, as far as urban renewal was concerned, bore all the earmarks of a political circus and none of a legitimate enquiry, the federal participation was summarily suspended in 1968 except for projects in progress.

This was really too bad; the cities need renewal. That mistakes had and were being made is undeniable; but the hard road to improvement is seldom eased by stop signs. Quite apart from the physical and social results, the renewal programs stimulated attention to inner urban areas. Planning staffs found opportunity for creative expression and a valuable training area and testing ground for new planning techniques.

Possibly most important for the municipal planning process, the urban renewal schemes, especially in the latter years, really brought the planners face to face with the public in a way that had scarcely occurred before. Advocacy planning, which grew out of the American experience in urban renewal, is now seeded in the Ontario planning process and will undoubtedly affect the direction of things to come.

If the current federal emphasis on social goals persists, a permanent disengagement from the economic and physical problems of the cities must be expected. Although housing programs will retain support in some form for their social content, the federal exit from the central business district renewal schemes appears irrevocable for the foreseeable future. The resultant vacuum will loom increasingly large. Can direct provincial participation be secured in the absence of federal involvement? Can fiscal arrangements be devised which will give the municipalities adequate resources to engage in renewal on their own account? If no significant changes can be envisaged, the consequences, for at least some Ontario cities, may be severe.

4.3 Planning Promotion

The Federal Government, through CMHC, has made significant contributions to the promotion of municipal planning, especially in the early years.

In response to the almost total lack of qualified personnel in post-war Canada, the Corporation actively recruited professional planners from Great Britain. After a time in their federal posts, those planners spread out to other assignments across the country. Today, a number of the senior positions in municipal and provincial planning agencies, in universities and in consulting firms are filled by those CMHC alumnae of the early Fifties.

The Corporation was also an important supporter of the Community Planning Association of Canada, the principal non-professional organization active in promoting popular support for planning in general, and for specific projects in particular areas. Special purpose events such as the annual Stratford Seminar on Civic Design were also regular recipients of CMHC grants.

CMHC fellowships are available for students in planning schools across the country. These have been especially helpful for graduates from other disciplines working in the planning field, who wish to return for a professional degree in planning.

4.4 Canadian Council on Urban and Regional Research

A noteworthy organization which is concerned with promoting a continuing exchange of ideas about urban and regional problems, and with providing a solid base of recorded experience about these problems is the Canadian Council on Urban and Regional Research. It was set up in 1962 as a direct outgrowth of the recommendations of the commission on the quality of the urban environment, conducted by the Royal Architectural Institute of Canada.

The Council is made up of 60 members, 20 appointed from the three levels of government and the remaining 40 elected for three years from a wide range of other areas. (Ten must be from the universities and five others must be municipal employees or members of a municipal association.) The staffing, accommodation and programming of the Council has been paid mainly by CMHC, under Part V of The National Housing Act. These costs totalled over $100,000 in 1971. The Ford Foundation gave two grants totalling over $700,000 to help support it during its first decade of operation.

CCURR has drawn together a wide range of people concerned with urban and regional problems, from both the public and private sectors, to consider the needs of urban and regional research and to set priorities. Second, it has supported significant research projects throughout Canada (covering such diverse topics as growth poles and development forecasting, water regime considerations in planning; the development of counter structures for the urban planning process; the delineation of planning regions in Saskatchewan; bus frequency in the suburban Montreal area). Finally, it developed a comprehensive bibliographic and information service which is extremely useful.[36]

However, it would be a considerable over-statement to suggest that CCURR has had a major impact on municipal planning in Ontario. Its continued activity, vital to planning research of national or at least very broad application, should not obscure the very real need for a provincial research agency concerned with (among other things) the kinds of planning problems described earlier wherein municipal agencies badly need centralized research assistance.

4.5 Ministry of State for Urban Affairs

A most hopeful event of the last decade was the signing of the Privy Council Minute on June 30, 1971, which established the Ministry of State for Urban Affairs. The Ministry was a long time in being born, caught largely in the difficulties that the government encountered in the introduction of its general omnibus reorganization bill. It arises almost directly out of recommendations made by the Lithwick Task Force, "Urban Canada – Problems and Prospects," and has been staffed and operating since December of 1970. The Minute stated:

36. Over 25 per cent of CCURR total budget is spent on this service.

"The Ministry's role as a focus and source of policy development for urbanization in Canada will have three characteristic features:
a) it will be co-ordinated in its method of developing comprehensive urban policies, based on continuing research and primarily oriented to the federal presence and initiative;
b) it will be supportive to the current and future urban programs maintained and developed by other federal agencies and having direct urban influence from coast to coast. In this process, the Ministry will not attempt to duplicate existing delivery facilities, nor to take them over;
c) it will have a consultive position in relation to the federal/provincial and local governments' responsibilities in city and municipal matters.
"The Ministry is committed to developing a broadly based and highly visible and continuing consultive forum and process involving the federal government, the provinces, and the municipalities and urban communities, in order to build the broadest possible understanding for the process of urbanization and, thereby, initiating a consensus in the building of national policies and federal initiative."

The major point that has to be made about the Ministry is that it is to have no delivery functions but is to act as the co-ordinator for all federal programs in the urban area. (Sounding more than a little reminiscent of the original hopes for the Ontario Planning and Development Department established in 1944.)

The prospective federal urban research programs could possibly lead to massive interventions in urban affairs. These could include, for example, federal promotion of major transportation corridors, land banking, and possibly even the active promotion of new cities (all proposed by the Hellyer Task Force). Such interventions, if they come, will directly affect some municipalities, and indirectly affect many more. How these municipal interests would be served could emerge as a major problem; would there be sole reliance on provincial representation, as in the past, or can some significant kind of direct municipal representation be contemplated?

The uprisers. The hammerhead crane, seen across the skylines of Ontario cities, has made it possible to build higher and faster.

Chapter 5

The Development Industry

Broadly defined, the development industry includes land developers, builder-developers and builders, together with supporting financial and professional services. Each of the principal component groups has distinct functions, and it may be useful at the outset to clarify the essential differences.

Land developers purchase[37] land, (frequently assembling many parcels) prepare and submit plans for development projects thereon, and shepherd the plans through an approval process which may result in a rezoning, or a registered plan of subdivision, or both. Next, the land is cleared (if necessary) and utilities and streets are installed (if necessary). The improved lots are then sold (or leased) to builders, who may build for themselves or, more generally, for speculative sale to individual residential, commercial or industrial purchasers.

In order to protect their supply of serviced building land, many of the larger house, apartment and industrial builders have turned to land development as well, thus becoming developer-builders. Similarly, a number of major retail chains have been drawn into land development in order to secure sites for their outlets.

In the municipal planning process, it is the land developers and the developer-builders, rather than the straight builders, who are the main participants from the industry. In most places, they have been the catalysts of the process and, therefore, principal performers in it. In many ways, the process was devised to control their activities, but at least in some ways it was also shaped to meet their needs.

The land developer is really a post-war phenomenon who emerged in response to the municipalities' inability to provide essential services in pace with the builders' demand for serviced lots.[38] Land developers and developer-builders are nearly always private companies, and the trend is toward increasing size. The individual entrepreneurs of the Fifties tended to form the syndicates of the early Sixties. In 1966 Consolidated Building Corporation became the province's first public development company. Many major developer-builders soon followed suit, for only in this way could access be obtained to sufficient capital to underwrite the start-up costs for developments on the scale characteristic of recent years.[39] The trend is matched almost exactly by the concentration of the supply of serviceable land, in exceptionally massive quantities in fewer and larger hands.

On infrequent occasions, but then with significant impact, major industries have initiated new developments through expansion of their operations. Ford at Oakville and Talbotville and, more recently, Stelco at Nanticoke, are Southern Ontario examples. Such happenings seem to be more expected, if not much more common in the resource industries of Northern Ontario, where pulp and paper (Terrace Bay, Marathon) and mining (Manitouwadge, Elliot Lake, Temagami, Ear Falls) have triggered new townsites of varying size in the post-war years.

Government land development activity of a direct kind has not been sustained. The urban renewal programs offered municipalities exciting prospects for development initiatives in inner areas, but only a few were able to seize the opportunity before the cancellation of federal and provincial support. In suburban locations, the federal-provincial land assemblies showed early promise of active public involvement in land development but the program seemed to lose its energy in the bitterness of the Malvern expropriation.

Thus far, Ontario Housing has been primarily an operator and a builder of housing, and through the HOME program, a lessor of home building sites. Malvern is the first major experience for the Corporation as a land developer. In this instance, OHC behaved, and was treated, very much like any other developer. Whether the Province will continue to accept a controlling attitude on the part of the municipality in Saltfleet, Waterloo (where other sites are owned), or North Pickering remains problematic.

Apart from The Veterans' Land Act subdivisions, and the partnership lands involvement referred to earlier, the main federal land development activity in Ontario has been in Deep River (near the Atomic Energy of Canada Ltd. nuclear experimental plant at Chalk River), in the initial post-war development in Ajax, and in the St.

37. Or, more usually, acquire a controlling interest.
38. In a sense, the land developer is the product of a reversal of roles. Formerly the public sector built the streets and utilities while the private sector built the housing. Now the private sector builds the streets and utilities, and because of the resultant high costs, the public sector (OHC) is increasingly called upon to build the housing.
39. A typical (and true) story concerns the syndicate which had met to decide on an offer received on a parcel purchased earlier. The price was a little more than had been paid, but fell disappointingly short of the group's original high hopes. After the debate went around the table, they had to decide whether to bail out or to hang on in hopes of better times.
It remained for the little man at the end to put it into perspective.
"Well, gentlemen", said he solemnly, "I don't mind taking a loss, so long as there's a little profit".

Lawrence Valley town relocation projects. The activities of the CPR and the CNR in land development are growing in importance (e.g., Metro Centre and Summerhill Square in Toronto). Indian bands are also showing interest in the development potential of some of their favourably located holdings.

Without diminishing the importance of the above, it must be anticipated that the real energy for land development will come from the private sector unless there is a dramatic shift in the current attitudes of governments at all levels. There are some signs that this may be forthcoming from the Province. In the meantime, through the provision of trunk services, arterial roads and community services and facilities of all kinds, public bodies will continue to play an important if less direct role in the development of land.

Having in mind that it scarcely existed twenty years ago, the magnitude of the industry's achievements in the production of serviced land in Ontario receives too little notice. Most of the innovations and improvements in design originated in the industry itself (e.g., Don Mills, the original Guildwood Village, Kanata). Yet, in terms of the actual mechanics of the municipal planning process itself, the industry has not had much impact. The system remains essentially bureaucratic in its origins and evolution.

Through its association, the Urban Development Institute, the industry has some accomplishments to its credit, notably its contribution to the passage of The Condominium Act in 1969 and the establishment of the Ontario Housing Advisory Committee. Less spectacular have been the continuing negotiations with individual municipalities on the minutiae of subdivision agreements, engineering standards, building code anomalies and zoning regulations, but these are essentially mechanics of actual development, rather than the planning process.

In its early days, the industry was popularly viewed as being locked in remorseless combat with the municipal planning process. In fact, the industry resigned itself to living with the process almost from the start, and its main energies have really been directed toward hurrying matters along.

The view of contemporary critics tends more to the notion that the industry has in fact "captured" the municipal planning process in the major urban centres, and has succeeded in making its own values and goals the public objectives. In reply, the industry asserts that the production of serviced land for all purposes (especially

Spring blossoms. They can't build them fast enough.

A roof over your head. Houses rise from the winter mud of a Toronto suburb.

housing) *is* a public objective (or should be). This exchange perhaps encapsules the most important conflict to be resolved in the industry's future relationship to the municipal planning process. Clearly, the private development industry cannot function except in co-operation with local government. This will not be sustained unless there is continuing recognition by municipal governments of their responsibilities in the provision of serviced land and housing.

Looking beyond to the provincial level of planning, the challenge for the industry is to cope with the process that has clearly pre-empted its role as the catalyst of development. The contrasting stories of Bramalea, Century City and North Pickering attest eloquently to this. In 1958, Bramalea Consolidated moved into rural Chinguacousy and completely turned it around. Eventually, more than 150,000 people will live there, owing largely to the determination of energetic men against formidable obstacles. Ten years later, Revenue Properties Ltd. proposed Century City, a 32,000-population community in Uxbridge Township. It was vetoed by the Province in its Toronto Centred Region concept. North Pickering, the Province's own satellite town proposal five miles to the south, has recently been expanded in potential from 35,000 to 200,000 people adjacent to the proposed new International Airport site.

Moreover, as has been noted earlier, the provincial planning is highly prescriptive in its thrust, and frequently runs counter to prevailing economic trends. Those trends were among the few touchstones available to an already speculative industry, and their suppression adds a new dimension to the uncertainties ahead.

The industry's operations have been strongly affected by the steadily increasing resistance to high-rise apartment buildings in most locations, particularly involving redevelopment or infilling in built-up areas. It is not an exaggeration to suggest that relatively few apartment buildings can still be expected to be built in the inner sections of most Ontario cities; nor that in the Toronto area particularly, this proscription (the Metro Centre excluded) probably extends to all but the most clearly

defined vacant suburban sites which form part of comprehensive community development programs.

These trends are leading inevitably to the pursuit of housing forms heretofore almost non-existent: medium- and higher-density housing suitable for family occupancy and grouped under the fashionable rubric of "high-density low-rise". The orthodox forms of family-type multiple housing have in some cases successfully doubled in density – the so-termed stacked town houses or maisonettes; beyond this, really effective innovations in family housing still rest more in the area of promise than performance.

Whether such housing types can successfully be established will depend not only on the industry's success in achieving suitable economic results; municipal restrictions, frequently based on fiscal considerations but often also the product of basic value judgments, are not, by and large, conducive to innovation in housing. The increasing emphasis on social and community development programs may also affect the industry's ability to supply non-traditional forms of family housing. While overall school demand is effectively declining, there is a real need, which is ever more widely perceived, for a broad range of community services, facilities and programs to meet the requirements both of families in multiple housing and specialized segments of the housing market: the elderly, the poor and students in particular, and non-family households generally.

Chapter 6 The Planners

A review of municipal planning activity in Ontario must of necessity address itself as well to the question of the planners themselves – the officials, technically trained and otherwise, who operate the planning machinery at both municipal and provincial levels, and who have been largely responsible for setting the tone and style (as well as the product) of planning in the province.

The early planners in Ontario came largely from three sources. First, a small cadre of pioneers of the pre-war and wartime years, from diverse backgrounds and disciplines, who were the impetus for, and the draftsmen of, the original planning and housing legislation, and who provided the leadership for the fledgling municipal, provincial and federal planning agencies of the early post-war era. Second, a renewable core of young persons, some well trained, others with only minimal technical qualifications, who passed through the offices of Dr. E.G. Faludi and a few other senior planning consultants who single-handedly did almost all of the municipal and development planning which took place in Ontario in the first five to ten years following the war. Third, relatively large numbers of technically trained British planners, some with architectural qualifications, others trained as chartered surveyors, who were imported by CMHC in successive waves during most of the Fifties.

Soon the latter groups – the consultant-trained nucleus and the British imports – effectively pre-empted the various rungs of the municipal and provincial planning ladders. Their progression into the system followed various paths, but most characteristically perhaps they began by passing through the three large public agencies then operating – Queen's Park, Metro Toronto and the City of Toronto – and then on into the medium-sized cities and larger suburbs as these latter planning operations got started and broadened out.

New Canadian-trained planners, arriving on the scene from the few universities affording technical qualification (Toronto, Manitoba, British Columbia, and, for a while, the idiosyncratic planning program at McGill) were able to insert themselves easily into the system. A handful of European-trained professionals also made their way into the Canadian planning scene, but not, generally, in the formative 1950s when the staff organization nuclei were effectively established. And of American-trained planners, emerging in large numbers to meet the heated-up demands of their own huge federally-financed planning programs, only a relative handful managed to find their way across the border.

Whatever the background – Dr. Faludi, U.K., or native university – two main themes can be discerned, each of considerable significance in understanding the Ontario planning scene and how it got that way: First, crucially important, is the extent to which the main roles in public planning were taken over by persons who, in the middle and late Fifties, were relatively young and with extensive careers in prospect. It is not an exaggeration to note that most of the professionals who worked themselves into senior agency positions during the Fifties were, at the time, in their twenties or early thirties. Today, effectively holding on to the reins of institutional power and authority, they are still largely in their forties or (at latest) early fifties — with ten, fifteen or twenty years of effective professional life in prospect. Rare is the public planning agency in the province where much room is to be found at the top. Rare equally the agency where those at the top were not moulded, professionally speaking, in a bygone era now fifteen or twenty years past.

The second characteristic is equally important. Whatever their training and origin, these early planners — today's leaders — have spent most of their lives in the application and stale pursuit of development control. Whatever the specific activity — official plans, district plans, zoning, subdivision regulation — there has been only one game in town. The name of the game, in Ontario, has been development control. Few indeed are the planners, at effective levels of power and authority, who have devoted more than a fraction of their time, energy and technical resources, to anything beyond the regulation of private development and the formulation of public service programs required to support and accommodate such development. Whatever else can be said of the abortive history of public urban renewal in Ontario, it can be noted at least that it afforded the planners one of their few genuine channels for creative, substantive, positive planning activity.

The influence of Dr. E.G. Faludi, who led the team planning postwar Toronto, is in strong evidence today. The "Master Plan" he is discussing here thirty years ago is strikingly reflected in Metro Toronto in 1973.

Two things are evident. First, the senior public planners have, in effect, been doing very little planning; they have served largely as planning administrators, carrying out chiefly housekeeping functions. Second, they have offered few initiatives and innovations. Professional planners in Ontario have carried out their jobs skillfully, to greater or lesser degree. They have not, in any discernible sense, emerged as a truly innovative force in the area of public policy formulation. Nor, equally, has the profession as a profession. Its institutional apparatus, The Town Planning Institute of Canada, has similarly devoted its major energies to internal housekeeping matters and has offered its members little beyond a basic trade union service. More dishearteningly, it has lent almost none of its professional expertise and influence to matters of important public policy.

As is true of the world the planners deal with, the planner's own world is changing, and changing rapidly. These emerging changes are dealt with more explicitly in the second section of this report. For now it can be noted that the narrow professional specialization and outlook which has characterized the planning professional is largely a thing of the past. Multi-disciplinary approaches, innovative techniques, a wide range of new policy concerns, are all taking over the centre of the stage. Some of the senior planning officials have adapted well; others are fighting an effective rear-guard action; still others, it is fair to say, probably don't even know what the basic issues are. For most of them, one way or another, professional retreading appears to be in order.

The shortage of qualified planners which was chronic in the early expansion years of the planning process in Ontario (and indeed, throughout Canada) is, today, history. Until 1960 there were only five planning schools in the whole country; while in Ontario alone, there are now six training programs for planners (Toronto, Waterloo, York, Queens, Ottawa and Ryerson) and three community college programs for planning technicians. A recent issue of the Town Planning Institute of Canada *Newsletter* reported that there are currently more than 700 students enrolled in Canadian planning programs. (The number of Canadians taking professional degrees in planning at American or British universities is not known.)

Localized shortages of planners still exist, the product mainly of geographic circumstances or of local inability to meet going salary levels in the field. But generally speaking there are today more persons available for planning jobs in Canada than there are jobs for such persons. This situation is likely to last for at least a few years, though the expansion of provincial and federal planning activity, the resuscitation of some renewal programs, and the initiation of the new regional municipal programs in Ontario may take up at least part of the slack.

Within this picture of shortage-turned-surplus, significant trends both within and around the planning profession are apparent.

The multi-disciplinary approach demanded by the evolving planning techniques is reflected, to a greater or lesser degree, in the professional training programs. But while the effective demand for traditional planning "generalists" may be waning, much of the available training is directed to covering the more or less conventional areas of "comprehensive" planning. At the same time, many of the newly evolving specialist jobs in planning offices (e.g., systems analysts, economists, sociologists, etc.) are being filled by graduates from other kinds of training programs. Yet training in the basic design skills seems at least as difficult to find among planners today as it was five, ten or twenty years ago.

Planning students reflect the concerns, values and judgments of their contemporaries and tend increasingly to diverge from the prevailing standards in many of the offices in which they find employment. One result, still only a mild breeze but quite likely to emerge as a strong wind of change, is the infiltration of activist professionals in the government planning machinery. Inevitable, it would seem, is the ultimate transformation of many planning offices, particularly in the larger municipalities, to an increasingly militant activist stance.

The current U.S. involvement of non-professionals and "para-professionals" in planning activity is not yet a prevailing Canadian fashion. Nevertheless, it is likely, if not inevitable. The American experience is largely the product of the drive for local community control in the inner city areas of black occupancy. In Canada a similar perspective may perhaps be envisaged for the native peoples. In the larger cities of Ontario it is likely that pressure for participation and control on the part of the poor may also lead to direct non-professional involvement in the planning process, as well as the political process. Within the planning profession itself the advocate planner is emerging clearly on the horizon as a legitimate and respected member of the fraternity.

Chapter 7 The Lawyers

Among the actors in the municipal planning scene, particular attention should also be given to the lawyers, who, as a group, have been as responsible as anyone for the shape and direction of municipal planning over the twenty-five year period.

The lawyer's function has been manifold. First, and most obvious perhaps, has been his crucial involvement in the interactive process by which physical development is transposed from lines on paper to buildings on the ground. The wide range of activities which are conveniently lumped together as "negotiation" have been very largely the lawyer's bag; certainly to an overwhelming extent on the private side, and in varying degrees on the public side as well. While the planner's contribution to "negotiation" has probably become more significant over time and particularly in the largest urban areas, for many years and in many municipalities, the actual "decision" component of the negotiation process has been mainly the lawyer's prerogative.

The lawyer's second important function has been his strong influence, tending almost to actual control, over some of the critical mechanics of the development process, the formulation of the specific enactments through which decisions are implemented – particularly zoning bylaws and the multiplicity of agreements which development entails. The lawyer's concern has been ostensibly guardianship – to protect and ensure legal rights in the construction of these various enactments – but there can be little doubt that much of the character of the development that has actually taken place has stemmed directly from the legal style employed in its processing.

Another important lawyer's function, somewhat related to the negotiating responsibility, but slightly more elusive, has been his strong professional involvement at the ultimate political decision-making level. There is again, little doubt that the preponderance of legal skills and attitudes on municipal councils throughout the province has been an important influence on the nature and scope of the development decisions which occupy the major share of many councils' attentions.

Finally, of course, there is the lawyer's central role in the legalistic process involved in the adjudication of planning disputes by the Ontario Municipal Board and its adversary-type procedures. As with many administrative tribunals, the Board has firmly established legal-type proceedings as constituting the essence of its operations. Whether, as is frequently averred, this practice must be followed because it is in fact the best available "to elicit the facts" can be argued from various standpoints, and is discussed at greater length in Part II of this report. What is certainly beyond dispute, however, is that development control, as finally played out on the Municipal Board stage, is a lawyer's game. The cast is varied – planners, engineers, traffic analysts, architects, miscellaneous officials, politicians (infrequently), the "public" – but the crucial operators; the producers, directors and lead actors who control and star in the drama, are almost all lawyers. The approach is legalistic, the style is legalistic, the very substance of the argument is, in the end, largely legal. What the lawyers win and lose in issues which find their way to the courts has been reflected, over the years, in a significant proportion of amendments to The Planning Act.

Without passing too much judgment on the lawyer's outstanding influence as an essential fact of planning life, at least two questions can be noted which are pertinent to any reasonable examination of the planning process. First, if the influence is in fact too great, are there structural solutions to the question or is its resolution essentially a policy matter to be resolved politically? Second, this influence having been properly identified, acknowledged and accepted, what should the legal profession do to equip practitioners for this critical role? If there are, as has been noted earlier, serious questions that the planners as a profession should address themselves to, hardly less can be said of the lawyers.[40]

40. The obvious analogy between the advocate planner and the store-front lawyer is perhaps one example of the direction which professional responsibility in the planning field is now taking.

Chapter 8 The Public

Section 12(1)(b) of The Planning Act requires that Planning Boards:

"hold public meetings and publish information for the purpose of obtaining participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area."

However, for at least the first post-war decade, the municipal planning process functioned virtually without input from the general public. During this period, most of the development activity was breaking new ground in the suburbs, where few existing residents were affected and the process mainly involved subdivision control procedures where no notice to adjacent owners was required in any event.

Even in matters where notices were sent, a corporal's guard was a crowd. Thus as late as 1958, the Scarborough Planning Board could conduct most of its meetings in a room which seated ten spectators. In 1959 a widely-advertised public meeting for the Strathroy Official Plan drew six on a clear night.

The Community Planning Association of Canada was the principal focus for citizen interest in planning, and some success in promoting planning of a general and specific kind was achieved with municipal councils.[41] However, outside of an enthusiastic cadre, no great results were achieved in generating a broad public interest. Preaching to the converted has always been a hallmark of CPAC sponsored events.

Prior to 1960, few strong sustaining community or ratepayer associations existed, and their concerns were strictly local. An attempt to organize a federation of associations in Toronto during the Fifties died aborning. When the first plans for the Gardiner Expressway appeared in 1954, showing the alignment right along Sunnyside Beach, it was the Toronto Board of Trade, not a citizen's group, that raised the hue and cry.

During the early Fifties Toronto's first subway line was built in open cut through Rosedale and the Chaplin Estate without real protest. In marked contrast was the concerted indignation which greeted the proposal to extend the line by cut and cover through North Toronto fifteen years later.

Discussion of the many causes of the remarkable shift in society's values during the past decade will be left, mercifully, to the social historians. In retrospect, it seems evident that what triggered public concern in the area of municipal planning was the advent of the large, high apartment projects in inner city areas.[42] It is not always recalled that the highrise apartment project is a phenomenon of the past ten or twelve years only. The relatively little apartment construction that took place earlier was essentially in the form of 3-6 storey buildings in more scattered locations.

The new Toronto zoning policies of 1959 were a response to the impact of scattered apartments throughout neighbourhoods like Rosedale, and of the unsatisfactory physical results achieved in places like Parkdale's Jamieson Avenue where buildings and surface parking almost completely cover each site. The new policies decreed the concentration of apartment buildings in strategically located areas, and encouraged high buildings with a great deal of green open space surrounding. These policies soon found expression in the zoning regulations of other cities. Quite coincidentally, a major technological advance, in the form of the hammerhead crane, dramatically reduced construction costs for tall buildings.

Suddenly conscious of the height and bulk of the new apartment projects, ratepayers began to organize. This occurred not only in the inner city areas, but in the suburbs as well, where the second-wave infilling process introduced height to the low profile neighbourhoods characteristic of the first wave of development.

In inner city areas, the tension was heightened by a little recognized combination of circumstances. Even as apartment buildings were proliferating in their designated areas, the downtown residential districts, now protected against apartment scatteration, were becoming more and more attractive for middle class home-buyers. The expectations of decline for Ontario's inner cities (based largely

41. Notably, for example, the contribution of the Greater Toronto Branch to the initiation of the Metropolitan Toronto Waterfront Plan.

42. It is sometimes suggested that planners spent the first ten years trying to interest the public in planning, and the second ten years bemoaning their success. In fact, the planners' efforts were probably among the less significant factors in the upsurge of public interest.

on observation of quite different circumstances in American cities) were simply not fulfilled. Leadership did not flee to the suburbs; if anything it moved further downtown. The resultant emphasis on conservation and rehabilitation of existing housing in lieu of private or public clearance and redevelopment is at variance with many municipal plans, policies and attitudes conditioned by an earlier day. In Toronto, this conflict is epitomized by St. James Town and in Trefann Court.

When neighbourhoods fighting similar engagements saw that municipal policy was their common problem, federations of ratepayer's associations became possible. It is predictable that unity will be sustained as long as legitimate common causes remain visible. If based only on mutual support in unrelated circumstances, it seems inevitable that the federations will lose credibility,[43] and cohesion will be difficult to maintain.

It is, of course, important to keep in mind that planning matters command only a part of the burgeoning citizen attention to a wide range of municipal activity (e.g., street widenings, traffic regulations, crossing guards, transit service, day care centres, tree plantings, public housing locations, etc.). Also significant is the degree to which interest and participation now extends beyond the neighbourhoods which traditionally defined the geographic limits and subject matter of citizen concern.

The total result is a much greater demand for local government to respond. Parodoxically this comes at a time when, in pursuit of greater strength for administrative purposes, local government is being reorganized into larger units in which many functions are concentrated in an upper tier or regional council. The effect is to accentuate the separations, both physically and functionally between the electors and decision-making arena.

It is evident, then, that local government should also be strengthened in its ability to respond to and make provision for citizen participation in all civic matters. Solutions workable for neighbourhood level problems may not suffice for matters of wider significance and impact.

The main question that requires clarification, if not resolution, is the "legitimate" limit (if any) on local community control. It is not difficult to understand how and why a Trefann works. But how can the planning machinery best be adapted to distinguish between those areas where local decision-making is either desirable or inevitable, and those which are of genuine area-wide concern (e.g., housing needs, economic development policy, basic transportation requirements)? The government's recent capitulation in the face of the Centennial Community's opposition to 150 OHC units at Port Union Road and Lawrence Avenue East in Scarborough is an especially bleak illustration of the potential impact of unfettered local "interest" on broadly based programs.

There are presumably many ways of slicing the control cake; Winnipeg's ward councils, or genuine neighbourhood government can be seen as representing one technique; Toronto Alderman John Sewell's neighbourhood forums (expressly to formulate the alderman's decisions) are another. The planning machinery must in any event adapt itself to the notion that citizen "participation" is now likely to involve something significantly different than assembling a dutiful audience to hear the latest proposals explained.

Citizen participation at the provincial planning level is a matter of similar concern. The techniques employed in the TCR, for example, appear to illustrate perfectly Norton Long's basic distinction between citizen participation as a *political* process (i.e., bearing a genuine impact on the decisions) and as a *consumer* process; that is, where the marketability of the product is tested with a small and known sample of consumers.

For the planning process in most municipalities, the accommodation of citizen involvement at the neighbourhood level obviously begins with substantial improvement in providing information and in procedures as to notice, and hearings which permit participation before proposals have been made final and alternative solutions foreclosed. More direct means are also being tried in specific projects in particular areas (e.g., Trefann's Working Committee).

Perhaps a more perplexing dilemma for the planning process is how to involve citizens interested in projects or issues which are city-wide, metropolitan, or regional in context. In the official mind, these people tend to be regarded simply as "super ratepayers", but there is much to suggest that they are really quite a different breed from tenants or property owners concerned with rent and home values, and the "character of the neighbourhood".

Although their initial interest may well have been kindled by a neighbourhood issue, and their ties (or at least identification) with their original associations persist, the "professional citizens", so termed, have been drawn beyond the parochial level by specific interests, ideological convictions, or by the sheer fascination of municipal affairs at the wider level,[44] where not just apartments, but

43. Thus, for example, the Toronto Islanders' announcement of support for North Yorkers seeking retention of York Downs for park purposes could not escape a hollow ring. Under the ground rules facing the Metro Parks Commissioner, the Islanders' strategy was clearly aimed at seeing all of his annual budget used up for purposes other than Island Park expansion.

44. "Spadina was won on the playing fields of Aura Lee" goes the saying.

The road to nowhere. Toronto's controversial "Spadina ditch". The combination expressway and rapid transit route was halted by the Ontario Cabinet in June of 1971.

airports, stolports, expressways, transit alignments, Metro Centres, Eaton Centres and Harbour Cities are the great issues for public debate.

This is a more remote and exclusive world previously peopled by the elected, the civic department heads and the technical experts.[45] With regional government incoming, and with the new sophistication in planning techniques, this has been the expanding world for municipal planning.

For citizens seeking recognition and a contributory role in the corridors of power, June 3, 1971 must now be regarded as a kind of Bastille Day. When the Premier killed the Spadina Expressway, it meant that citizens could successfully challenge professional opinion on the most technical of subjects. For them, Spadina was, in a sense, the Mallory Crescent of metropolitan issues. The answer lay in policy, not in expertise.

The consequences of that decision extend far beyond the roadway itself. For the Province, a new imperative for policy pronouncements has emerged. Was Spadina broad policy, or one-shot? What about the Scarborough Expressway, the East Metro Freeway, Highway 406 in the Niagara Peninsula, Highway 417 in Ottawa, even Highway 17 in Kenora? Can the provincial government, like the OMB, go on enunciating policy on a decision by decision basis? More important perhaps, how can the Province reconcile its evident predilection for intervention with its stated objective of strengthening local government?

For responsible citizens, anxious to consolidate a position in the larger forum, the search must go on for a medium through which participation is possible on a continuing basis. This means the establishment of an influential constituency which can be identified, consulted on the issues, and counted on for support. It also means maintaining a willingness to "participate in the decision making process" without expecting to usurp the power of those duly elected to decide.

For local government, the import of Spadina was ominous. Coupled with OMB tutelage in local affairs, continued provincial intervention in metropolitan and regional matters can only strip away any serious municipal pretensions of power, at least so far as anything other than housekeeping is concerned. The municipal planning process will obviously reflect the weakness. In that case, why would anybody want to participate?

Having reviewed the Act, and the actors, the next step is to offer an evaluation of what has been produced over the past twenty-five years. This will be done under three headings: the first, a quantitative measure of the results, the second, in terms of the main components of the municipal planning process, and thirdly, in terms of the economic and social consequences of the process.

It will be understood that the judgments are only those of the authors. They are not put forward as representative in any sense of the views of all or even any of the persons interviewed, or who took part in group discussions held during the course of this review.

45. Contrary to seemingly widely-held belief, the development industry is seldom involved in metropolitan policy matters except where specific projects (e.g., Metro Centre) are involved. Developer's activities and hence their interests remain essentially local.

Chapter 9

The Quantitative Results

As a measure of the development of planning activity during the review period a number of selected statistics have been gathered and are shown on the table in *Figure 5*. To illustrate the more salient factors, charts of these are given in *Figures 6 to 8*.

During the twenty-five year period the population of the province has virtually doubled from 3.7 million to 7.2 million. The number of municipalities has decreased slightly from annexations and amalgamations, and in 1972 was 882. As a measure of the provincial government's ever-increasing commitment to the municipal planning process, expenditures for the Community Planning Branch (excluding urban renewal) on a per capita basis rose from half a cent in 1946 to 46 cents in 1971, with a dramatic increase between 1965 and 1970 from 9 cents to 34 cents, as shown on *Figure 6*.

After twenty-five years of permissiveness, about 60 per cent of the municipalities are within planning areas, and about 30 per cent are covered by official plans, as shown on *Figure 7*. More importantly, over 80 per cent of the population now lives in municipalities with official plans, as indicated on *Figure 8*.

Other data in *Figure 5* illustrate the increasing scope of the planning process as a whole. Thus the number of comments on zoning bylaws made to the Ontario Municipal Board has increased almost threefold in the last ten years, and committee of adjustment decisions reviewed have increased 250 per cent. The imposition of subdivision control by the Province has meant that the granting of consents by the Minister increased tenfold. A slowing of population growth, variations in economic activity, and the increasing size of individual applications are the prominent reasons for the reduced number of subdivision plans submitted.

These data say nothing, of course, of the quality of the planning. This will be the subject of the evaluations of the individual components of the planning process which follow in the succeeding pages. However, recognition should be afforded one quantitative aspect which the figures hint at, but do not define.

The Municipal planning process has been permissive, and totally so until very recently. It had to be, because there was no practical alternative. The shortage of experienced staff was one of the very important problems, but was, in the final analysis, capable of a logistical type solution.

The real impediment was the prevailing public attitude (broadly reflected by elected representatives at all levels) toward limitation on development and on opportunities for real property appreciation. The development potential of land had long been circumscribed in many places by public and private restriction aimed at 'the general good'. However, at this point in time it is difficult to recollect, only fifteen to twenty years ago, just how narrow was the public view of 'the general good' when it came to the physical and social environment.

That view has broadened immeasurably. Planning can now claim very wide if not universal public acceptance and is now firmly established as a legitimate function of government throughout most of the province. All actors in the process deserve a full share of credit for this, the signal achievement of the past twenty-five years. Without it, there would be no real basis for the recommendations contained in the second part of this review.

Figure 5
Statistical Summary of
Planning Activities in Ontario

* Financial figures given for fiscal year ending March 31st.
E Estimate
NA Not applicable
NC Not compiled
Source: Department of Municipal Affairs, Community Planning Branch files

	1946	1955	1965	1971
Population	3,694,528	5,013,324	6,496,035	7,404,939
No. of organized municipalities	911	932	935	882
Community Planning Branch Expenditures (not including urban renewal) *	$ 18,910	$ 130,197	$ 605,000	$3,273,000 (E)
Planning grants	$ 0	$ 0	$ 21,100 ('68)	$ 164,000 (E)
Urban renewal grants	NA	$ 288,000	$1,225,954	$5,000,000 (E)
Planning Areas				
–Total number (cumulative)	23	211	396	440
–No. of organized municipalities covered (cumulative)	36	237	492	568
–% of organized municipalities covered	4%	25%	53%	64%
Official Plans				
–Total number approved (cumulative)	1	57	135	208
–No. of amendments approved (By preceding intervals)	NC	NC	1,416	1,174
–Population covered	29,700	2,575,300	4,872,400	6,072,250
–% total Ontario population covered	0.8%	51%	75%	82%
–Municipalities covered	1	74	172	252
–% total municipalities covered	0.1%	8%	18%	28%
Subdivision Plans				
–Total submitted (By preceding intervals)	760	9,577	9,953	5,978
Zoning Bylaws				
–Comments to OMB	NC	624	1,231	1,472
Committee of Adjustment				
–Decisions reviewed	NC	1,242	3,884	NC
Granting of consents	NA	155	1,347	5,932
Urban Redevelopment Areas (cumulative)	NA	3	21	35

Figure 6
Per capita expenditure by Community Planning Branch 1946-1971
Excluding redevelopment (urban renewal) grants and planning grants

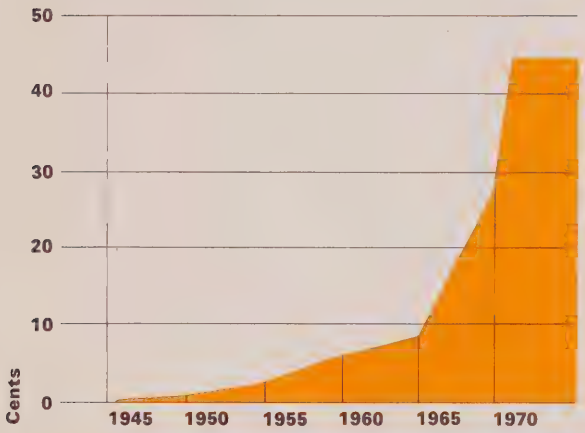


Figure 7
Municipalities in planning areas in Ontario 1945-1971
Organized municipalities included in Planning Areas as % total Ontario organized municipalities 1945-1971
Organized municipalities covered by Official Plans as % total Ontario municipalities 1945-1971

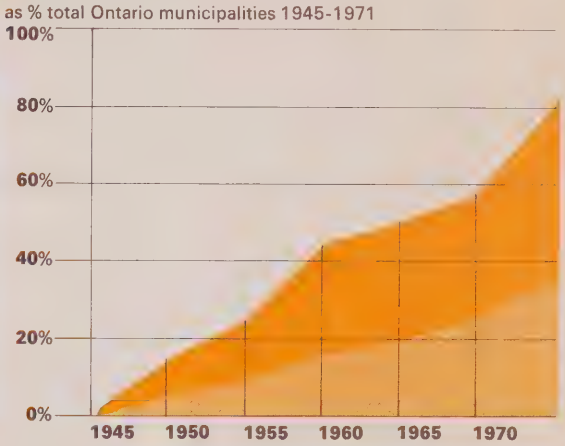


Figure 8
Percentage of Ontario population covered by official plans 1945-1971

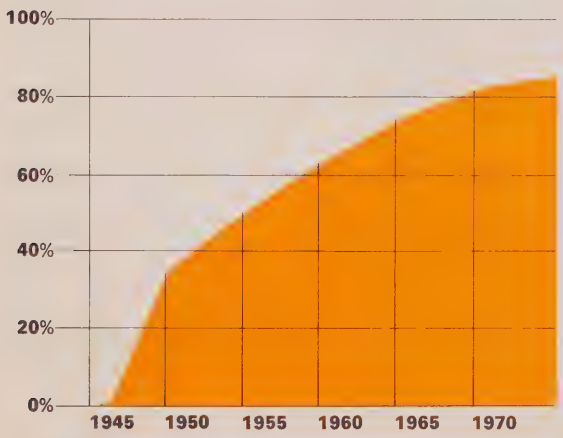
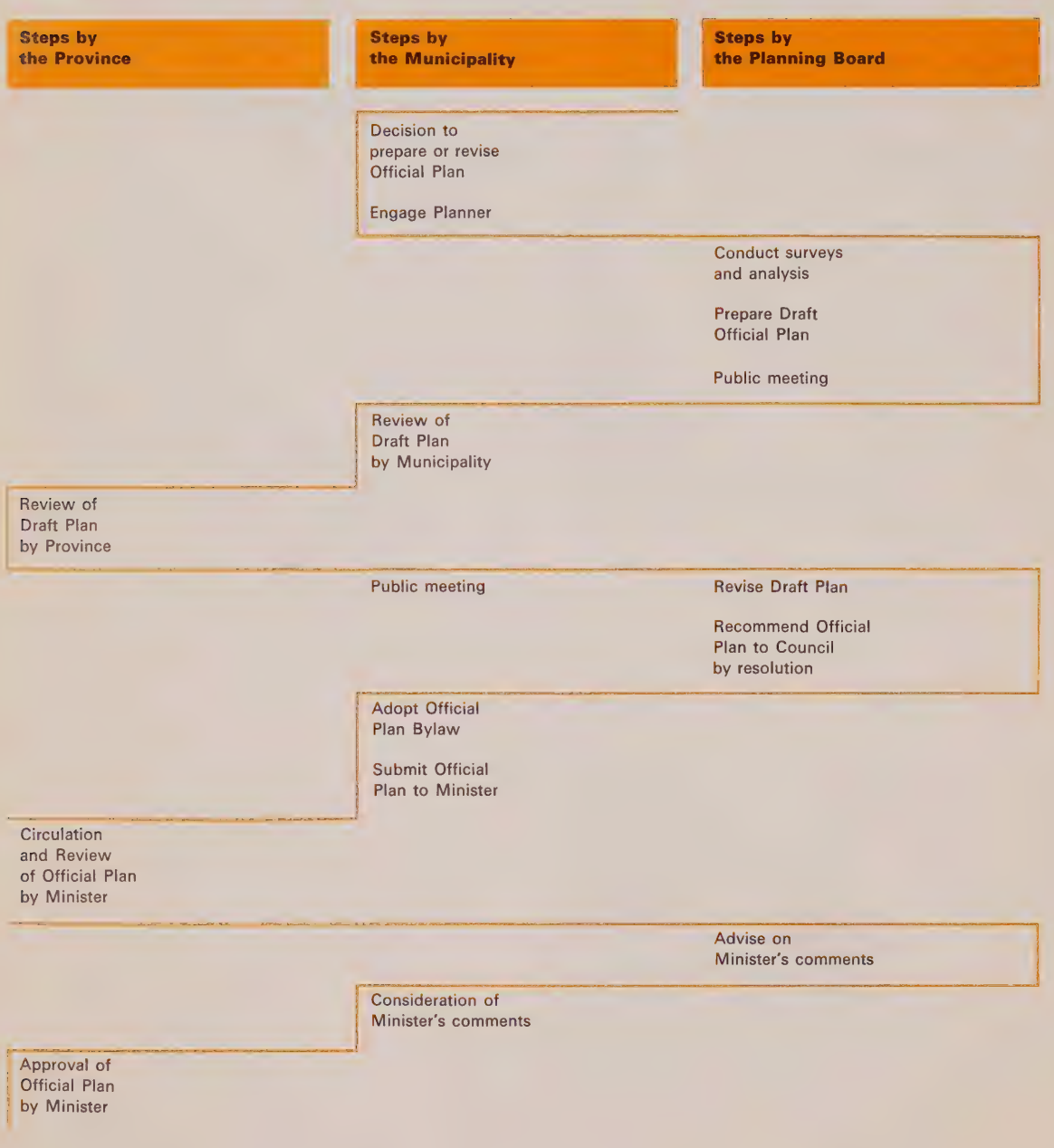


Figure 9
The preparation and adoption of an Official Plan



Chapter 10

The Planning Components

10.1 Official Plans

When a planning area and board have been established, the latter is then charged under Section 12 of The Planning Act with preparing an official plan. The Act directs in mandatory fashion that the board shall prepare the necessary material, hold public meetings, consult with interested agencies, prepare the plan, recommend on its implementation and review the same from time to time.

Although there is no mandatory sequence to the process, the preparation of an official plan usually follows a route similar to that illustrated in *Figure 9*. While there are minor variations to the process occasioned by the different kinds of planning boards, a typical plan would be recommended to the municipal council which then may adopt it and submit it to the Minister for approval. (The council may also choose not to adopt it, or to adopt it and not to submit it to the Minister, and in neither case are there sanctions against their failure to do so.) The Minister in turn consults with other government departments and planning boards which may be affected, makes known his own comments (not required by the Act), and, if and where he deems necessary or advisable, modifies the plan and then approves it. In cases of dispute, the plan or part of it, can be referred to the Ontario Municipal Board for a decision.[46]

Under The Planning Act of Ontario, the official plan has always been intended as the basic planning instrument and the central pivot for all municipal planning activity.

The official plan is defined more broadly now than in 1946. It means:

"a program and policy, or any part thereof, covering a planning area or any part therof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps, describing such program and policy, approved by the Minister from time to time as provided in this Act."

An official plan continues to have an extraordinary legal effect. Section 21(1) of the current Planning Act provides:

"For the purpose of developing any feature of the official plan, a municipality, with the approval of the Minister, may at any time and from time to time:
a) acquire land within the municipality;
b) hold land heretofore or hereafter acquired within the municipality; or
c) sell, lease or otherwise dispose of land so acquired or held when no longer required."

In addition, of course, an official plan in respect of land use is a prerequisite to the definition of a redevelopment area and the establishment of a redevelopment plan. It is also an important criterion to be considered by the Minister in deciding whether or not to approve a plan of subdivision.

The legal effect of an official plan seems clear enough from the language of Section 21(1). Both the council and local boards within the planning area are required to act in conformity with the plan when enacting bylaws or when undertaking public works. In other words, the legal powers they otherwise have to accomplish certain objectives are somewhat circumscribed by force of the approval of the official plan by the Minister. Those powers can only be fully restored by amendment or revocation of the official plan itself which, of course, can only be done with the approval of the Minister.[47]

It is clear as a matter of law that an official plan does not constrain a private landowner in what he can do on his land as a matter of legal right, although, as a practical matter, the provisions of a plan dealing with the phasing of development for example are important considerations in private sector decision-making. Nevertheless, the official plan does not have the legal impact of, for example, a town planning scheme under The Manitoba Planning Act which, once approved, has effect for all purposes as if it were enacted as part of the statute itself.

Further, an official plan does not bind the Crown in right of Ontario or public service departments, despite the fact that it has been approved by the Minister and presumably expresses provincial policy for the planning area. It is clear law that the Crown is legally immune from the provisions of The Planning Act since it is not made subject to them by an express stipulation in the Act

46. Amendments to official plans travel much the same route although they are typically concerned to a specific location within the planning area or to a particular provision in the text of the plan.

47. In a recent unreported decision, the Ontario Court of Appeal refused leave to appeal from a decision of the Ontario Municipal Board where the board approved a money bylaw despite its non-conformity with the official plan. *Re Schmalz and City of Kitchener* (January 1972).

itself.[48] Finally, for constitutional reasons, neither the official plan nor a local land use control instruments affect the Crown in right of Canada or a public service department of the Government of Canada.[49]

In view of their intended central position in the process, it is disappointing to report that, taken together, official plans have been the least successful product of the municipal planning process in a qualitative sense. It is true that the lack of a provincial framework, and the geographic inadequacies of many jurisdictions for planning purposes, have contributed to the deficiencies, and these have been acknowledged earlier. Nevertheless the fact remains that a disturbing percentage of municipal official plans are incomplete, inflexible, and not especially well done.

Generalizations of this kind are easily contradicted by specific examples, and are patently unfair to those municipal plans which, though far from perfect, are superior in many respects. It seems to be not widely recognized just how much municipal official plans vary in content and quality, even in format. Far from being standardized or consistent in any of these dimensions, even after twenty-five years, official plans differ to a remarkable degree, even between similar kinds of municipalities. Thus, for example, the North York and Scarborough Official Plans have never remotely resembled one another in content, format, or the way they are used. More than anything else, they tend to reflect the biases, training or just plain quirks of the planning director or the planning consultant.

There are almost as many views on the proper content of an official plan as there are planners. Reference to the late Professor J. B. Milner's case book on Community Planning Law and Administration reveals a wide variety of opinions on both content and purpose of the Master Plan. His quotations from the Acts of the other provinces reflect a similar variation.

Especially in the early years, experimentation and differences in approach are to be encouraged, and at any time stereotyped planning is to be avoided particularly in view of the fact that municipalities differ greatly in their needs, resources, and administrative capabilities. Nevertheless, the aggregate results of municipal plan making thus far would seem to justify more central policy direction, in the form of a manual setting out guidelines as to the content and form of official plans for municipalities of different kinds. The need was recognized as early as 1953 when the Minister of the day stated his opinion that the Branch must prepare manuals for the guidance of municipal authorities in dealing with all phases of planning matters, particularly with respect to official plans, plans of subdivision, zoning, and the responsibilities of committees of adjustment. At this writing, a very thoughtful and thorough approach is nearing completion, but the interval between recognition and publication has been inordinately long.

The definition of the official plan in the Ontario legislation is one of the widest that exists anywhere. Although its breadth would permit almost any aspect of human activity being included in an official plan, the actual scope of municipal plans has not evolved on so broad a basis.

Municipal official plans tend to be incomplete in several dimensions. In terms of content, no municipal plans produced to date in Ontario seriously address social or economic questions. None show any evidence that the proposals contained in the plan have been tested, in a systematic way, against the municipality's ability to implement. Physical matters usually make up the total substance of municipal official plans, and for many, the content is narrowly focussed on the distribution of land uses. References are often lacking to such elementary matters as hard services and to community structure. In many cases where it would have been appropriate, the plans suggest no staging or sequence to municipal actions.

In consequence, many plans afford little guidance to public bodies in deciding on the size and priorities for schools and public works of various kinds. In such cases, the plan is useful only as the most rudimentary of guidelines in assessing the land use aspects of development applications.

A number of reasons, some historic, can be identified for these prevailing shortcomings in content. The experience of the early planners lay mainly in zoning, and led them to produce plans which consisted of a land use map, precisely drawn, which was administered as a sort of generalized second-level bylaw.[50]

An architectural background was prevalent among the early town planners. (Indeed, throughout history, town planning has been regarded as essentially an architectural exercise and equated with "city-building".) Many planners saw themselves, and were seen to be, "the master builders" of classical architecture, writ somewhat larger. They tended to regard their plans as the final design for the community, analogous in many ways to the blueprints for a building.[51] In consequence, a static form of plan emerged, without a time component, without

48. The City of Winnipeg Act 1971, in a landmark provision, makes the Crown in right of Manitoba subject to all plans, bylaws, orders and decisions made under Part XX which delegates environmental planning and management powers to the city. For a decision supporting the legal proposition stated in the text, see *Regina v. Gay* 1959 O.W.N. 375.

49. This constitutional doctrine goes so far as to make *ultra vires* a municipal bylaw insofar as it applies to ships coming under federal legislation jurisdictions. See *Regina vs. C.S.L.* (1960) O.W.N. 89.

50. Thus, such an official plan would designate "residential" and "commercial" areas whereas the matching zoning bylaw would specify in greater detail R1, R2, . . . RM5 etc. and C1, C2, etc. zoning categories. A zoning change from R1 to C1 would necessitate an official plan amendment, but a change from R1 to R2 would not.

Pedestrians (most of whom got there by car) enjoy lower Yonge Street in Toronto during one of its brief summer periods as an automobile-free pedestrian mall.

51. Newspapers are still fond of reporting how ". . . planners are putting the finishing touches to blueprints which will chart future growth in the town . . ."

anticipation of change or evolution, and without any notion of the plan as a part of a process.

The Scarborough Official Plan, approved in 1957, was markedly different from earlier plans in attempting to do three things. Although wholly physical in its substance, the Scarborough Plan introduced a community structure plan (as a guide in the provision of schools, parks and other population-oriented facilities), a roads plan (rights-of-way widths, treatment of abutting lands, special improvements required), and a staging program (establishing sequence in the provision of trunk utilities). In its land use proposals, the Scarborough Plan emphasized flexibility, and departed from the rigid map or blueprint approach. Finally, it established the official plan as the basis for successive and more detailed steps in the municipal planning process. The so-called "secondary plans", dealing with individual communities and industrial areas in greater depth, grew out of this concept of the plan as a part of a process. In time, where these ideas had application, they were expanded and improved upon in the official plans for other municipalities.

Deficiencies in official plan content can also be traced to scarcity of funds which characterizes most municipal plan-making exercises. This is at the root of the questionable quality of some of the work which has been done on municipal plans. Behind it all is the fact that official plans are seldom popular with the municipal councils which must provide the money. Official plans are prepared by another body (the planning board), yet they impose restraints on council (more than on any other body). In this respect, it is worth noting that planning controls were seldom as unpopular as plans; at least they impose restraints on someone else (usually developers).

Moreover, amendments to official plans consume time and more money and changes must be expected in even the best drawn plans. As a result, adequate funds were seldom set aside for plan making outside of the largest urban areas. Often there was little impetus from councils to improve official plans even when their deficiencies had long been recognized.[52] Given a choice between day-to-day administration and plan making, most municipal planning staffs, boards and councils tend to feel happier dealing with the short run, smaller issues inherent in the former.

It is all too customary to bemoan the lack of action by the Community Planning Branch to ensure that municipal councils make available adequate funds for plan making. The criticism is not well directed. Except in the cases where the Province contributes, the Branch can do nothing more than exhort, and is certainly in no position to intervene over the amount the council may budget.

Many municipal councils regard an official plan as a more or less standard product which can be tendered like any other service or item of public purchase. Not all of them are aware that there might well be qualitative differences in the resulting plan, or in the time and aggravation required to obtain approval, which could be important to the municipality. The Branch can and does advise against the selection of consulting assistance on the basis of bids. The answer to the bidding, of course, lies with the consulting practitioners themselves, and it is scarcely up to the Branch to enforce the professionals' observance of their own code of conduct.[53]

Where the Province does share in the costs of a municipal planning project, the Branch consistently ensures that the terms of reference are adequate, and that professional services are retained on the basis of specific qualifications and availability of senior personnel for the project.

The past decade has witnessed a steady improvement in the general quality of municipal plans, reflecting many factors, including broader municipal understanding and acceptance of plan making, and better professional input from municipal staffs and consultants. Not the least in importance has been the intensified review function exercised by the Branch staff. In the early years when the provincial attitude tended to be "any plan is better than no plan", the Branch was lenient in its treatment of municipal plans. In the Sixties, with the growing conviction that "no plan is better than a bad plan", the Branch (assisted by many other provincial agencies) became rigorous in its scrutiny and firm (if not adamant) in its insistence on changes thought necessary for improvements.

Although this is contributing substantially to the desired effect, i.e., better municipal plans, this means to the end has serious disadvantages. First, the Branch simply does not have sufficient staff to effect this level of review throughout the whole province with any sort of despatch. Despite the strenuous work of the personnel, the backlog continues to mount, and delays are not reduced. Secondly, the municipality only learns of provincial displeasure with some of its proposals, or of a provincial desire to include a new policy, *after* public discussion has taken place, *after* council has finished with the matter, and *after* various implementive measures have been set on foot. Frequently there is no alternative but to back up, and go through the approval process all over again. The aggregate effect is a sequence which is time consuming,

52. Both North York and Etobicoke, for example, lived with the most outdated of official plans for fifteen years or more. Their series of district plans were not embarked upon until relatively recently, and then only after the main pattern of development had been established by the development control process.

53. Article 5 of the Code of Professional Conduct of the Town Planning Institute of Canada states:
"Whereas the Institute does not prescribe fees to be charged for professional work, its members will not compete for prospective employment on the basis of the fee charged, nor by taking advantage of a salaried position. Having stated his proposed charge, a member will not reduce the amount in order to offer a lower price than another professional."

wasteful, and ill-suited to promote either good provincial-municipal relations or public acceptance of the planning process.

This problem points up the futility of attempting to achieve better official plans by centralizing municipal planning administration in provincial hands. Obviously, centralized policy formulation and systematic dissemination of policies to municipalities of strong planning capability is the preferable alternative. The measures which have been instituted by the Province already, and others which evidently should be, are discussed in Part II of this review.

The 1960s have also witnessed the emergence of new trends in the process of making plans. Among the important changes are:

– Some increase in the use of sophisticated techniques. The main characteristics have been multi-disciplinary engagement, employing a full array of psyco-social, socio-economic and ecological pursuits, a strong pre-occupation with computer simulation, modelling, and systems analysis; voluminous reporting of results, working papers, etc.; very high costs; and, inevitably, the stretching out of the time periods involved in plan-making to sometimes agonizing dimensions.

– A growing emphasis on the development of so-called "policy plans" and "goals plans" in place of the traditional land-use/services/facilities plan. There is an accompanying emphasis on the development and presentation of "alternative" ways of proceeding to the achievement of stated community goals. This is a burgeoning practice deriving in strong measure from the drive toward citizen participation, and has gained such force in recent years that any "plan" which now comes forward with anything less than three or four visible options is by today's standards virtually a non-starter.

– Finally, and critically, is the emerging tendency to view "planning" as an operational process rather than a means of making plans. This trend accompanies and arises out of the currently fashionable management techniques, such as program planning and budgeting, and is a course toward which many planning officials and municipal administrators, and perhaps a few politicians, are strongly amenable. It is a trend which runs counter to the equally pervasive search for ever-greater certainty which is firmly demanded by the Ontario Municipal Board and its main constituency of assorted citizen groups.

Although the trends themselves seem clear enough, the answers to some of the questions raised are less obvious. For example, there is as yet little evidence that the full-scale plunge into the world of sophisticated enterprise is yielding effective results, measured in terms of coherent, implementable public policies. *The Oshawa Area Planning and Development Study* achieved a premature burial, and it is difficult to discern exactly how much of the vast MTARTS effort was ultimately absorbed in the TCR operation. To the extent that these massive enterprises have been something less than successful, could not the vast outlay of money, time and (above all) human resources involved have been mustered more satisfactorily? To the extent they have been effective, what were the specific techniques, organizational structures and political circumstances which have led to decent results? And, critically, if these trends in technique are judged sound and productive, how can they be adapted to the normal planning machinery (i.e., outside the range of the specific provincially-sponsored regional studies) on which most of the province's municipalities still depend. What level of provincial subsidy might be entailed? What level of technical resources would have to be mobilized?

The modern multi-disciplinary "regional" studies are direct lineal successors to the urban renewal studies and joint transportation studies of the preceding decade. Systematic evaluation of the earlier efforts has been remarkably lacking (or, if carried out, unpublished). It is to be hoped that suitable continuing evaluation of the latest fashion in planning is afforded a high priority.

The emphasis on community goals as the linchpin of the planning process has led, very largely, to adoption of the lowest common denominator of consensus, or "motherhood" objectives. There is probably nothing intrinsically wrong with consensus goals, and motherhood is, if not exciting, at least unexceptionable. What *may* matter is the extent to which the people involved ("consulted citizens" and "politicians" alike) are being substantially misled as to the true value of their highly touted "goals" input. Equally important is the extent to which the "alternatives" put forth represent significant options, in the sense that they respond to the different values or needs of distinctively different elements in the community. Much of the current "alternatives" process appears to be little more than a game designed to foster the illusion of real choice; again, the customers (citizens) and clients (politicians) may be seriously misled.

Of equal concern, with the introduction of environmental considerations, the postulation of community goals, and

the formulation of alternative actions, is the need to develop adequate evaluation techniques. The conventional elements of the traditional planning process – land use allocations, public works programs, etc. – lend themselves, however crudely and however implicitly, to some kind of systematic cost/benefit, or other comparative analysis. The interposition of social and other non-quantifiable considerations frequently creates the need for quite complex judgments. Techniques are available, or can be developed. The risk rests in the extent to which judgments which are essentially personal value statements become invested with an air of scientific reality and achieve, in time, a sense of dogmatic certainty. Again, the scope for being misled seems fairly wide.

Beneath the growing political and public dissatisfaction with the substantive results of planning is an increasing concern with the nature of the planning process itself and its apparent emphasis on prediction rather than prescription. This is evolving as the major area of public debate. Indeed, it is possible for example, that by the time the predictive Metropolitan Toronto Official Plan receives its ultimate ministerial sanctification, it may well be seen as a somewhat archaic manifestation of an earlier era in planning philosophy.

Any evaluation of official plans must also deal with two other aspects which, if less fundamental, have proven to be continuing cause for discontent in municipal plan making. The first concerns the status of the secondary plans.[54] These are plans prepared within the context of the official plan (or primary plan) for a municipality, and typically contain much more in the way of detail as to land use and development sequence in one part of the municipality than is contained in the overall plan.

When first devised in Scarborough in 1957, secondary plans were not expected to require ministerial approval, since no provincial interests were involved that were not already safeguarded in the primary plan. A supervisory mood in the Branch (reinforced, incidentally, by Metropolitan Toronto) prevailed however, and secondary plans were made subject to ministerial approval. Thus the pattern was set for subsequent secondary plans in all municipalities.

In consequence, the Minister regularly approves all manner of planning minutiae in secondary plans and amendments dutifully shovelled forward by the municipalities. Undoubtedly the height of folly was reached with Scarborough's *Amendment #291,* a change to the Eglinton Secondary Plan to permit a modification to the bedroom count in an apartment project at Midland and Lawrence Avenues. The mind boggles at the full weight of provincial scrutiny brought to bear on such trivia.[55]

For an agency already swamped with its workload, it passes understanding why the Branch has permitted this sort of thing to go on for so long. It is fruitless for the Branch to protest that it does not want such stuff in secondary plans. The point is that the municipality does. The municipalities (at least those of Scarborough's capability) should be able to decide what they need in their secondary plans and the Branch should obviously conserve its resources for the larger issues.

Many towns and villages have primary plans which, in order to be useful, are actually very similar in content and degree of detail to a secondary plan which might cover a Guildwood in Scarborough or a Lakeview in Mississauga. So that the Branch will not be inveigled into processing subsequent amendments of localized impact, it is apparent that special steps should be taken. Possibly such plans should include a statement defining the limits of provincial interest, and setting out rules where ministerial approval will be necessary.

In seeking the proper balance, perhaps it would be preferable to err, if anywhere, on the side of local decisions. It would seem prudent, indeed mandatory, to avoid procedures which utilize the official plan as a development control device. Nothing could be calculated to resurrect faster the old notion (now fading away) that the official plan is simply an extra zoning bylaw. Nor could anything discourage more assuredly municipal acceptance of plan making.

Finally, there is the matter of the comprehensive review of official plans. Just as plan making has never been mandatory, periodic comprehensive review has never been a requirement. Attention to this question seems overdue. Left unreviewed for a decade, official plans can become sadly out-dated in terms of municipal objectives, development trends, and social values. No opportunity is afforded the Province to insert new provincial policies applicable to municipal planning (e.g., UDIRA, housing standards, estate development, etc.). Equally important, the passage of amendments may, over time, negate, or at least obscure, much of what the layman reader, referring to the original document, accepts as the municipality's current policy.

After twenty-five years of their use it cannot be said that a thoroughly satisfactory official plan has been produced in any municipality in Ontario. Much experimentation

54. Also referred to as Part II Plans, or District Plans.

55. "Besides," protested the applicant, "the government has no business in the bedroom counts of the nation."

has been done, and much more remains to be done. In no other component is the municipal planning process in greater need of improvement.

10.2 Subdivision Administration

Subdivision administration is concerned with regulating the division of land for sale or for long-term lease, and is therefore one of the principal means for the control of new development. In the expansionary years since World War II, subdivision administration has been at the centre of planning activity in most municipalities and indeed in far too many it has constituted the total planning activity. Only in the central cities, where substantially all of the land was divided into small parcels prior to passage of The Planning Act, is subdivision administration a peripheral function.

At the provincial level, subdivision control continues to absorb the largest proportion of the effort devoted to municipal planning. The Subdivision Section, one of five sections of the Community Planning Branch, engaged about one third of the total staff. Other provincial agencies such as Transportation and Communications, Water Management and the Conservation Authorities Branch, also employ persons whose main, if not sole, duties are reporting on land division and subdivision plan applications.

Authority derives from two sections of The Planning Act, Section 29, which deals with parcels described by metes and bounds or in terms of a Reference Plan, popularly known as "consents"; and Section 33 which deals with registered plans of subdivision. Although the effective difference is really one of scale (consents are usually limited in practice, though not in law, to two or three parcels at most per application), the two sections of the Act are administered in such contrasting ways that separate treatment is warranted in this review.

a) Section 29, Consents

In 1947, municipalities were empowered to pass bylaws defining areas of subdivision control within which land severances not on registered plans were required to receive the approval of the local planning board, signified by a stamp on the deed prior to registration. Purely advisory in all of their other duties, in this one aspect local planning boards were seized with the actual power of decision. In 1949, the power was limited to the creation of ten acres or less in size, the idea evidently being to prevent any interference in the creation of new "farms".

The succeeding twenty-five years have witnessed a fascinating game of thrust and counter-thrust between would-be land dividers on the one hand, and the Community Planning Branch on the other. New loopholes were continuously devised or ingeniously uncovered, only to be closed with dogged persistence by further legislative amendments. Existing registered plans were exempted at first, leaving municipalities vulnerable to thousands of unserviced, premature lots registered during the land booms of the twenties. Such plans were soon made subject to declaration as non-registered for the purpose of the subdivision control section of the Act. Later, part-lot control on any registered plan was made possible. When Whitchurch Township found itself being "eleven-acred" to death in the early Sixties, a zoning bylaw was passed to exclude the creation of lots between eleven and twenty-five acres in size. The ten-acre ceiling in subdivision control bylaws was finally lifted a few years later.

Entrepreneurial attention then shifted to those municipalities where no subdivision control bylaws had been passed. The Minister placed special subdivision control orders on areas where serious problems were created by continuing pressures for development—for example in such rural townships as Baxter, Gibson, Bowell, and Shebandowan. Finally, in June 1970, it was decided to adopt a more consistent and equitable policy concerning land division, and universal subdivision control was placed on the whole province.

When the advent of universal subdivision control appeared imminent, many people worked with lightning speed to divide existing properties. Checkerboarding[56] was a favourite technique used to divide land in the pre-subdivision control era, and the actual number of lots created in this way remains unknown.

When the legislation was actually passed, even more devious means were contrived to circumvent intentions of the Act. Divisions of land through simultaneous conveyance, by deed of appointment, or by deed of severality,[57] were halted by an amendment in 1971,[58] but such policies as the partial discharge of mortgages, the deeding of rights-of-way, and the selling of land to municipalities are still popular means of attaining the forbidden ends.

In 1964 one of the few errors of commission occurred in the passage of amendments to The Planning Act. Administration of consents was taken away from planning boards and, to everyone's surprise, was given to committees of adjustment. The unconvincing reason stated was to afford planning boards an opportunity to plan, instead of devoting disproportionate energies to sifting consent applications.

56. Using the checkerboard technique, Company A, would convey land divided in a checkerboard fashion to Company B, with Company B getting, using the checkerboard simile, the red squares and Company A maintaining the black squares. In this way a division of land occurred but the original owner did not retain interest in any abutting land.
57. All these techniques are somewhat similar, in that they use the method of simultaneously transferring a number of lots to a number of different owners (either in one deed or several deeds) with the initial owner retaining none of the original land.
58. Subsection 29 5(a) may be summarized as follows: "Where a person conveys land by way of simultaneous conveyances . . . the person so conveying . . . shall be deemed to retain the fee or equity of redemption in . . . land abutting the land that is being conveyed . . ."

In fact, behind it all was a not widely-held conviction that adjacent owners were entitled to notice, and committees of adjustment were the only local bodies which happened to have well-established procedures with respect to notice and hearings. These related to applications for minor variances to zoning regulations and had been inherited from the old Section 390 of The Municipal Act which had dealt with zoning prior to 1960. Those same procedures were simply applied to the processing of consents, with the oft-noted result that an owner will be advised of an application to create a single lot opposite him, but not if a whole plan of subdivision is proposed.[59]

The immediate effects were the creation of a lot of committees of adjustment where none had existed before, and to increase the number of inactive planning boards in rural areas. On the positive side, it gave the Community Planning Branch an effective way of policing the number of consents which were being approved, through the process of review and appeal.[60] On the negative side, that amendment effectively separated an important aspect of plan implementation from the mainstream of the municipal plan processing. This untoward situation is being perpetuated in Subsection 12 of Section 29 which now provides for the formation of the new land division committees (21 thus far) in counties or metropolitan, district, or regional municipalities.

The object of the land division committees is to provide an arena for the processing of consents less subject to local pressures (which is perhaps desirable) and to enable municipalities to pool their resources to hire competent staff, which is practical. However, the Act is at pains to exclude council members from land division committees, and thus continues the separation of this vital aspect of plan implementation from the rest of the planning process. If regional, metropolitan or district municipalities are intended to strengthen local government and, if given an approved official plan, their councils are to be entrusted with a wide range of approvals presently exercised by the Minister, why should they not also be entrusted with the administration of consents?

Consents have always been the Achilles' heel of planning in Ontario. Although reasonably under control in major urban areas (where most land development is by registered plan of subdivision), the pressure for consents is unrelenting throughout much of rural Ontario. In the exurban fringe, the demand is for "estate homes", most of which turn out to be small, non-farm dwellings. In agricultural areas, the request for a non-farm home site is usually disguised as a lot for the farmer's son.[61] In recreation districts, the pressure is for cottages and chalet sites or commercial locations.[62]

The result is the same everywhere, ribbon development along the side roads, with high costs for maintenance, school transportation and, in extreme situations, for pollution abatement. *Figure 10* shows the land ownership pattern in the Town of Whitchurch-Stouffville after twenty years of pressure, notwithstanding a relatively tough local stance against consents.

At the most politically sensitive aspect of planning administration, consents have proven to be difficult to control at any level. In 1971 committees of adjustment granted over 12,700 consents.[63] Of these, only about 150, or a little over one per cent, were appealed by the Minister, chiefly because there is simply not enough staff to tackle anything but the very worst outrages. Besides, in the same year the Minister granted a further 5,900 consents in municipalities without committees of adjustment or in unorganized territories where consents are administered directly by the Province through the Community Planning Branch. At the same time some 1,700 applications were not approved.[64]

The rapid increase in the number of consents recorded (see graph, *Figure 11*) is not so much a reflection of increase in demand, but an indication of the spread of subdivision control bylaws and Minister's orders, and of improved recording practices.

Contrary to widely held belief, subdivision control bylaws are seldom unpopular with local authorities. Usually, any initial misgivings quickly give way to satisfaction with the new-found power. This should scarcely surprise, as has been noted earlier it is plan making which lacks appeal, not the exercise of planning powers. Sadly, this is nowhere more evident than in the administration of consents.

Probably the most puzzling aspect of consent administration has been the reluctance on the part of the provincial government to entrust this function to municipal councils, the bodies which are ultimately accountable for the results. Even where comprehensive official plans have long existed, and where a broad planning program is a well established function of local government (e.g., Scarborough, North York, Etobicoke, etc.) the council must monitor the committee of adjustment decisions to ensure compliance with municipal planning objectives. If not satisfied, the council can only resort to the tedious and expensive appeal process (or in the end, fail to renew the appointments of individual committee members).

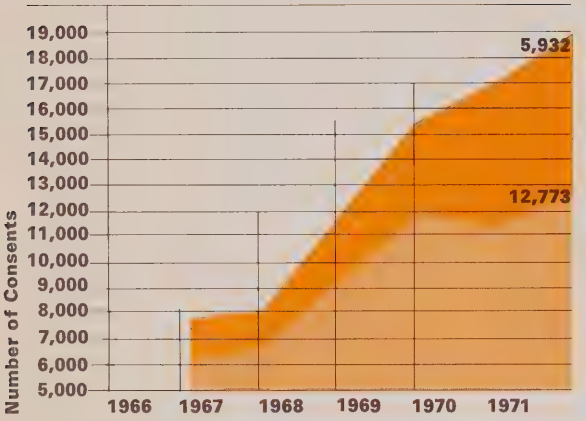
59. Unless, of course, some aspect of the subdivision plan requires an amendment to a zoning bylaw.
60. Until recently, Section 42 of the Act, which empowers committees of adjustment to administer consents, required that the Minister be notified of every decision.
61. It has often been remarked that if all of the lots created on this pretext were totalled, it would turn out that Ontario farmers were the world's most prolific sires of male progeny.
62. Not all consents contribute to urban sprawl; some are approved to permit in-filling in existing settlements, some facilitate land assemblies, others accommodate public or institutional buildings or industrial uses; but in aggregate all of the above constitute only a small proportion.
63. This is equivalent to 3,000 acres of new subdivisions, or the area bounded by Queen, Yonge, Eglinton and Bathurst Street in Toronto.

Figure 10

64. It should be understood that many applications involving the creation of new lots require a site inspection, and some investigation as to availability of services, suitability of the soil for septic tanks, etc., all in all a herculean task.

TOWN OF
WHITCHURCH-STOUFFVILLE
PROPERTY MAP 1971

Figure 11
Consents approved
Source: Community Planning Branch
Approved by Minister
Consents approval by Committees of Adjustment



The same will be true of county and regional councils in their relationships to the land division committees.

Have the past six years shown that committees of adjustment are any better at consent administration than the planning boards which preceded them? There seems to be little reason to fear that councils would be any worse. Given their ultimate responsibility for the consequences, the councils' continued exclusion from consent administration remains a cause for wonderment and regret.

b) Section 33, Plans of Subdivision

Plans of subdivision are regulated under Section 33 of *The Planning Act*.[65] Applications for subdivision plan approval are made to the Minister rather than the municipality, and the Act specifies the minimum information which must be included in the submission.

The approval process is in two stages, as illustrated in *Figures 12* and *13*. The first step is draft plan approval, which fixes the layout of the streets and lots. During this phase, the conditions with respect to servicing and other matters are established. These conditions must be fulfilled, or their fulfillment guaranteed, before the second step, final plan approval, is completed.

Although all approvals are vested in the Minister by the Act, the fixing of the design and the setting of the conditions are left to local determination wherever municipal capability makes such delegation practical. In almost all of the actively developing municipalities, there is now at least a nucleus of permanent planning staff (or consultants are retained) to co-ordinate the circulation of the plan throughout the municipal departments and related boards and agencies, and to translate their comments and requirements into features of the design and/or conditions of approval. Where necessary, the Community Planning Branch staff carries out those duties.

With the approval of the local planning board and council, the plan (modified as required) plus the conditions of approval, are recommended (via the metropolitan or regional municipality if any) to the Minister. On the way, any special design features or conditions desired by a public agency at any level are incorporated. The Community Planning Branch also sees to it that any requirements of any federal body affected will be taken into account.

Figure 12 illustrates the draft approval process for a subdivision in the Borough of Scarborough. The general sequence is essentially consistent in most two-tier municipal situations, but it should be understood that the detailed steps in the process are not the same for any two municipalities. Where there is only one level of local government, the municipality usually attempts to co-ordinate to requirements of the county boards and agencies, conservation authorities, etc.

It will be observed that a score of departments and agencies may make recommendations affecting the design or the conditions. There is sometimes conflict, but not as frequently as might even be expected. This is because the people involved usually confine their comments to matters within their own functional sphere or level of jurisdiction, while respecting the territories of others.[66] As the Subdivision Section of the Community Planning Branch is reluctant to intervene where local issues are involved, conflicts which do arise are usually resolved through strenuous negotiations by the applicant or his agent.

65. Plans for condominium projects are submitted to the Minister under The Condominium Act (1969). However, they are processed in the same way as subdivision plans submitted under The Planning Act.

66. Conflicts arose much more frequently during the Fifties and early Sixties, when new house prices usually fell within NHA loan insurance limits. CMHC design approval was then mandatory for most developments, yet the federal agency was outside the mainstream of the provincially-sponsored subdivision approval process. Disagreements between municipal planners and CMHC design critics were often sharp and sometimes protracted, to the considerable consternation of the applicant. This problem was never solved, it simply went away when lot prices drove the cost of housing up beyond NHA ceilings. Nowadays, CMHC is scarcely involved in subdivision design approval, much to the relief of everyone else concerned.

Figure 12
Draft plan approval process
e.g. Scarborough subdivision

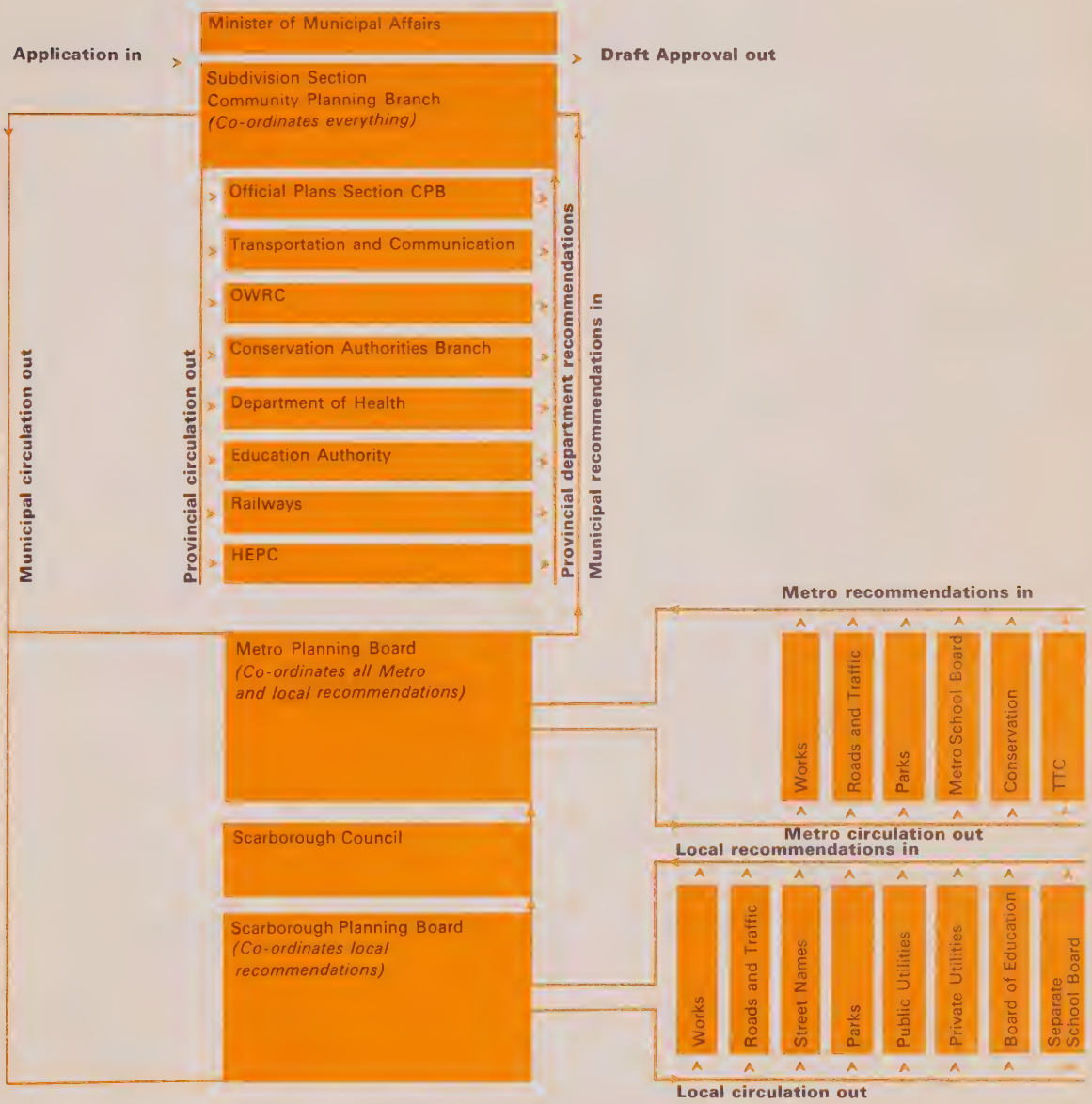


Figure 13
Final plan approval process
e.g. Scarborough subdivision

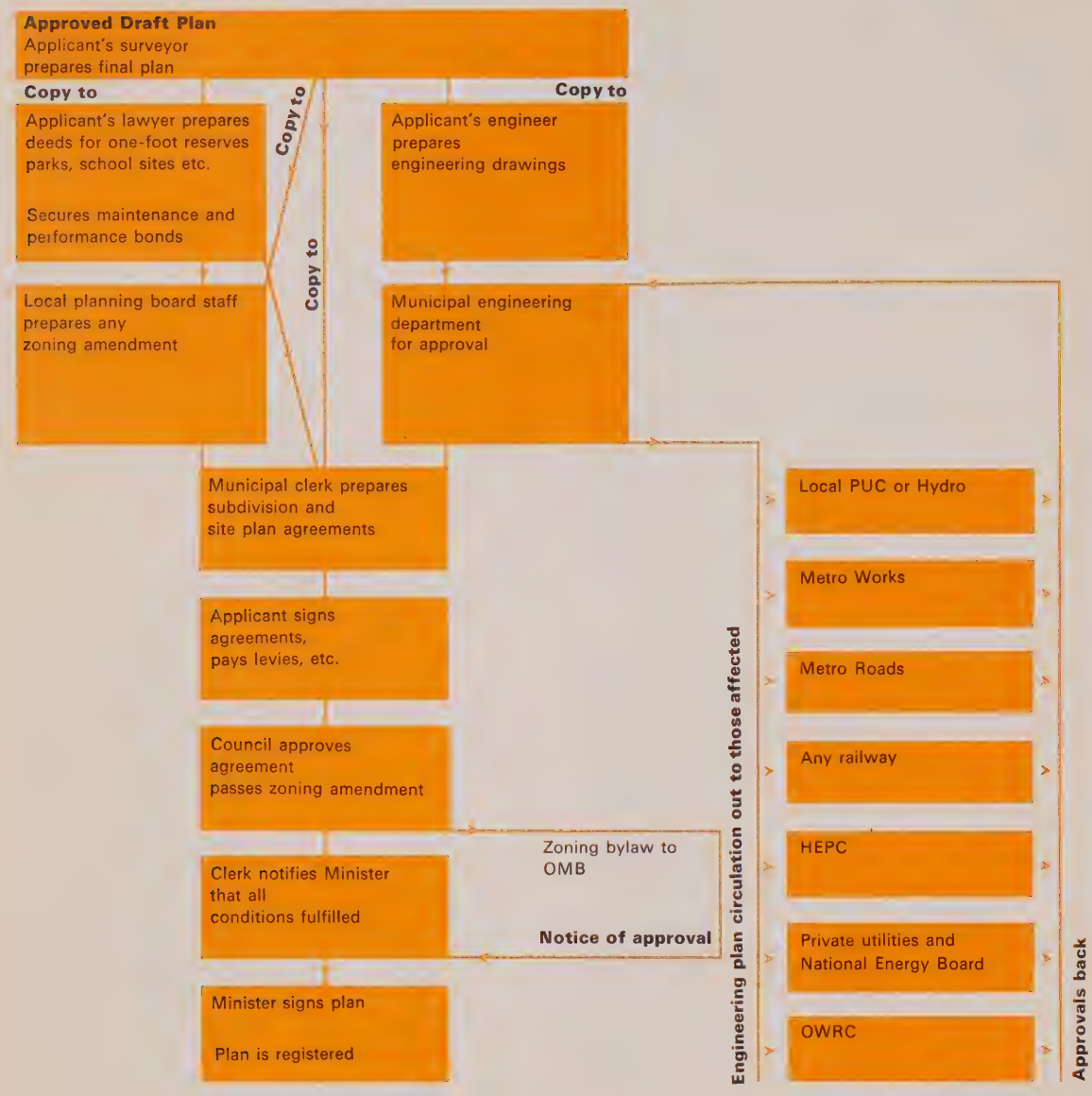


Figure 13 shows the steps required to secure final approval, and these may entail scrutiny by a further ten or twelve agencies before the Minister's signature is affixed and registration of the plan completed. Once again, the exact procedures vary from municipality to municipality.[67]

Assuming that the plan is within an area of active development and that utilities are available, the whole process may take from twelve to twenty-four months. If an official plan amendment is required, an additional four to six months is virtually automatic. An objection filed during the zoning amendment phase will add at least an extra four months.

On top of this, it should be understood that most municipal subdivision agreements now require substantial completion of the installation of underground services before issuance of building permits, so that a further four to six months will elapse before construction and marketing of buildings can get fully underway. Thus, when he files his subdivision application, the builder-developer is actually forecasting consumer demand, municipal requirements, availability of money and mortgage rates three years away. Small wonder his constant plea is for flexibility.

Since 1946 the Community Planning Branch has received more than 22,000 subdivision applications. Surprisingly perhaps, sufficient have successfully negotiated the seeming maze to have accommodated the tremendous urban expansion and resort developments which have characterized the post-war years in Ontario. When it is remembered that all of the administrative staff and machinery at both provincial and municipal levels had to be organized and trained from scratch, and when the development industry itself, with its supporting cast of consulting planners, development engineers, architects, surveyors, lawyers and financiers, had to build up from disconnected beginnings, the actual volume of production is a considerable achievement. By any quantitative measure, the administration of subdivision plans has been the most successful aspect of Planning Act implementation.

Qualitatively, the results have been somewhat less commendable. The recurring criticisms are these:
– The designs are poor, with dull and stereotyped environments the all-too-frequent result.
– The process is slow, resulting in additional carrying costs which must be passed on to the ultimate consumer.
– The standards applied are arbitrary and inconsistent, and the conditions attached are unduly onerous, adding to the burden of the eventual consumer.
These themes were so persistent among all interviewees that some elaboration of each is warranted.

On the question of design quality, it should be pointed out that much of the criticism directed at new subdivisions is naturally concerned with monotony of streetscape and uniformity of housing types, and to the lack of social institutions and recreational facilities in the early years of a community's growth. These are important matters, but are not the results of things done or nor done in the administration of Section 33 of The Planning Act. They will be discussed under appropriate headings elsewhere, while this section will be confined to the subdivision planning and development process.

It may also be useful at the outset to clear away a number of widely-held, but evidently not well-founded suppositions about the land development process. The developer who bulldozes everything flat is unshakably fixed in the public mind. Investigation reveals, however, that no developer willingly moves any more earth than is absolutely required to conform to carefully engineered lot grading plans approved by public authorities. It is simply too expensive. Top soil is valuable, and is not thrown away, but stored in long drumlin-like hills on the site to be respread after house construction is completed. Trees mean revenue, and their removal adds to costs, so that most projects seek to preserve as many trees as possible.[68]

The fact is that most of Southern Ontario is a gently undulating upland, devoid of abrupt differences in elevation except for the stream valleys. These have long been protected from invasion by subdivisions by the conservation regulations emanating from the Hurricane Hazel tragedy in 1954. (Thus, York Mills Valley, a truly lovely residential neighbourhood in North York, could not be initiated today.) Most of the urbanization in Ontario is taking place on land which supported mixed farming and dairying for the preceding one hundred years. Relatively few trees remained and, unfortunately, many that did were elms.

To remark on the above is not to deny the wisdom of the valley protection policies (quite the reverse), nor to discount the beauty of the Ontario countryside in its rural state. Rather (and this is perhaps simply stating the obvious) it is merely to observe that what is beautiful in farmland does not automatically enhance the cityscape, and to decry, if anything, a pervasive utilitarianism in the subdivision planning and development process which for so long has assigned the lowest priorities to such amenities as underground wiring, tree planting, landscaped boulevards and park walkway systems.

67. Figure 13 shows that Scarborough requires the subdivision agreement to be signed before passage of any necessary zoning bylaw amendment. With equal determination, Mississauga insists that the bylaw be amended before the subdivision agreement is signed.

68. Although only the largest developers (e.g., Erin Mills and Meadowvale in Mississauga) commission ecological reports, and prepare surveys accurately locating every significant tree, and noting the type and caliper.

This subdivision, from the first application for necessary rezoning of the land, through draft plans and implementation, was five years coming into being.

69. Many of these obtained their training in the first two 'design schools' in the province, E.G. Faludi's Town Planning Consultants Ltd., and the original Don Mills Developments Ltd. planning team headed by Macklin Hancock.

Having said all that, it must also be confessed that much contemporary subdivision design is still poor to mediocre in quality. The reasons are several, but none are insurmountable.

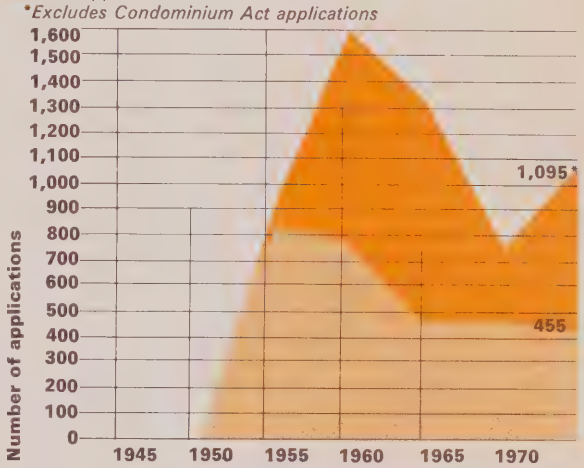
Most subdivision plans are drawn up by planners, surveyors, engineers or architects employed by the owner-applicant. The first problem is that not many are very good at it. After twenty-odd years there are still remarkably few community designers of real ability practising in Ontario, perhaps a score at most, of whom only eight or ten stand in the front rank.[69] The rest tend to concentrate on efficient[70] means of dividing the parcel into streets and lots. A feel for the topography and concern for rational local circulation systems and charming street pictures are much less in evidence.

In fairness, the designers are all too often working with only small parcels of land, without guidance in the form of a municipal plan providing an overall concept of the neighbourhood structure and its principal design components. The smaller cities and towns and the resort municipalities suffer particularly from the lack of such plans, mainly because there is no staff to prepare them, and no decent contour maps to serve as a base for the design.

Although it is somewhat easier to be a good design critic than a good designer, these people are in short supply as well. Their function is vital to the subdivision approval process, and their scarcity is the second major problem. Whether appointed as members of council or as citizen members, few people are selected for planning boards in Ontario on the basis of acquired knowledge or even inherent appreciation for civic design. There are undoubtedly some who could articulate objections to a subdivision design, but it would be fortunate indeed to encounter anyone who could offer constructive suggestions for improvement. The vast majority of members have never been shown the difference between good and bad or mediocre design, and remain unaware that there is a difference, even after many years' service.

Subdivision design workshops sponsored by the Community Planning Branch unfortunately reach very few board members. The Subdivision Section does refer some plans to the design team in the Special Studies Section of the Branch, but each involves a site visit, and discussions with the owner and the municipality to overcome the resistance usually encountered. With about 1,000 new applications per year, it is obvious that only a few can be treated in this way. *Figure 14* shows the trend in subdivision applications for the past twenty-five years.

Figure 14
Subdivision applications
Source: Community Planning Branch
Applications received
Plans approval
**Excludes Condominium Act applications*



Even among the professional planning staffs of the municipalities there are not many of acknowledged ability to improve designs. There is at least an equal chance that a sensitive design will be sadly compromised in the approval process, and many desirable features sacrificed in the interests of fixed attitudes, inflexible standards and municipal housekeeping.[71] Indeed, the municipal review process functions almost exclusively to ensure adherence to standards of a quantitative nature. An ability to think three-dimensionally is rare, and if qualitative concerns are raised, they are all too frequently expressed in terms of the appearance or symmetry of the drawing, rather than what is visualized on the ground.

The staff problem may not improve very quickly. At this writing, there is only one lecturer in the Ontario universities with any extensive experience in community design, and his course is given to engineering students. Only a small proportion of the students in the post-graduate planning schools come from design backgrounds these days, and not many of the others seem to be much interested in subdivisions. This is unfortunate really – most people in Ontario will live in subdivisions.

70. Efficiency is frequently measured simply by the lot yield. Where an average designer might produce a reasonable scheme with 4.5 lots/acre, an experienced man will design an equally acceptable plan with 4.6 lots/acre. On 100 acres, this means 10 more lots, each of which may be worth up to $15,000 in a metropolitan market.
Many people seem to believe that high efficiency means "sweating" the land, but this is not necessarily so. Experience indicates that the most efficient plans can also be the most sensitive and best structured.

71. Thus, for example, North York rules out cul-de-sac streets, Gloucester Township insists on the sector system in neighbourhood street patterns, and the City of London will not accept "elbows" where streets turn at right angles.

Throughout the Sixties, the design professions, CMHC and the Province jointly sponsored the annual Stratford Seminar on Civic Design. Although the presentations usually stressed design, the ensuing discussions always dealt with social, economic or political issues. Several years ago the Urban Development Institute initiated an annual series of awards in various categories including community design, but this lapsed through lack of contestants within the membership.

There never has been much of a premium placed on good design, and undoubtedly this is the real problem. Good or bad, the plans are all processed at much the same rate, and as long as certain mechanical standards are met, the financing is all on the same basis. Certainly the public seems willing enough to buy without much thought for community design.[72]

In Metropolitan Toronto, farm land thought to be developable within two to three years sells for $30,000-$40,000/acre. Interest charges up to $1,000/day on a 100-acre parcel are not uncommon. Although costs are generally lower elsewhere in the province, the ability to recover from the sale price is also less. In the end, of course, it is the consumer who pays.

Time then, is everyone's enemy, but the present subdivision approval process is obviously on the side of the foe.

Figures 12 and *13* present a formidable obstacle course, but few among even the most vociferous critics suggest that any of the steps are unnecessary and could be eliminated. Rather, it is the time taken to perform each step that is the main target.

There are many reasons why the process takes so long, and they will be identified. It should be recognized, however, that these are merely symptoms of the root cause, which is the lack of any sense of urgency from the top. In twenty-five years, no government of Ontario has ever given serious notice to municipalities that despatch is of any importance in subdivision administration. As a result, there is by now an almost universal resignation to an unreal, ponderous system, in which delay is of no consequence, and where lengthy processing is equated with careful study.

Thus, when an official plan amendment is involved, the Community Planning Branch often refuses to initiate the subdivision circulation process before the amendment is approved, even though there is no convincing reason why the plan and the amendment (which usually amount to one and the same thing) cannot be processed concurrently. Also, municipalities and boards of education can deliberately and safely use the system simply to retard the rate of development, for any number of reasons,[73] some of which may have nothing directly to do with the project itself.

Serious staff shortages in the processing agencies at all levels of government are tolerated even though this is widely recognized as the primary cause of delays.[74] Progress through the system remains dependent at too many points on the attention of agencies whose main interests are decidedly elsewhere. Boards of education often provide a case in point.

Where conflicts arise, as they frequently do during the process, face to face negotiations sometimes offer the only avenue to a solution. The fact that the provincial administration function remains centralized at Queen's Park adds to the complications faced by anyone distant from Toronto. It also increases the difficulties for site inspections by Community Planning Branch staff where such are required. Although the other field offices carry out some inspections and negotiations, as yet only the Thunder Bay office is authorized to carry out all of the functions of the central Subdivision Section, although its success and popularity in this has been evident for some time.

The development industry and its supporting cast of consulting planners, engineers, lawyers, etc., have also come to accept the situation. For the latter group, many professional practices have by now a substantial investment in the intricacies of the process, which remain unfathomable to the uninitiated. For the developers themselves, the ever-rising market has always allowed them to pass on the increased costs which the delays engender.

As always, in the end, it comes back to the public who, in passively accepting the consequences, ensure the perpetuation of the problem. The existing system allows little time for public input. If citizen participation is to be increased, the process must be tightened up elsewhere even to retain the present glacier-like pace.

Under Section 33(5) the Minister may impose conditions to the approval of a plan of subdivision, which may include, among other things:
a) dedication of up to 5 per cent of the land within the plan for park purposes;
b) dedication of land for roads;
c) road widenings;
d) the provision of services, etc., through subdivision

72. A revealing anecdote was contained in a feature newspaper story on Erin Mills. The New Town had been officially opened amidst glitter and fanfare by Premier William Davis the month previous, an event which climaxed three years of the most intensive planning effort by the developer, the municipality, the boards of education, the county and the Province. Experts of every kind had been involved and the article described how the input from planners, architects, engineers, ecologists, sociologists, traffic analysts, recreation consultants, etc. was reflected in the layout and the facilities proposed for the new community.
At the conclusion was an interview with the first family to move in. It turned out they were totally unaware of all that had been planned. He had bought the house because the price was right and because she liked the kitchen.

Collision course. The "overshadowing" of large apartment buildings can make single-family houseowners nervous.

73. Although Section 44 of The Planning Act does permit requests to the Minister for reference of an application to the OMB, the consensus seems to be that, with a variety of plausible excuses available, deliberate stalling by the municipality would be virtually impossible to prove.
74. It is the scarcity of civil servants in the process, not their productivity which is the main target of the industry's criticism. Many perform daily prodigies and this is well known by the industry. The Conservation Authorities Branch, for example, attempts to review every subdivision application in the province with a staff of about five.

agreements entered into by the developer and the municipality.
Each is a cause for continuing friction to some degree.

The 5 per cent dedication for park purposes was generally considered to be an adequate contribution of the new development during the first ten to fifteen years following passage of the Act, when densities for new developments ranged from 16 to 20 persons per acre. The past decade, however, has witnessed a steady increase to the prevailing 30 to 40 persons per acre, as multiple family and apartment units have proliferated. The Planning Act has never been amended to take this into account.[75]

Many municipalities simply "lean on" the developer to dedicate the additional acreage, or include an equivalent financial contribution as one of the terms of the subdivision agreement. The mechanics are simple enough. Those municipalities have policy statements in their official plans setting parks standards relating to population. Any subdivision which does not provide for, or contribute to, parks in accordance with those policies does not conform to the official plan, and is therefore not recommended for approval even though it meets the test of 33(5)a.

For the municipalities sufficiently concerned for their parkland inventories, the system is acceptable simply because it has worked thus far, and has never been tested. Developers' objections centre less on the cost (which will be passed on in any event) than on the uneven result. Not all municipalities ask for more than 5 per cent, and of those that do, no two use the same basis for calculating the additional requirements.

Dedications for roadways are perhaps a less vexatious issue, but are still an important question. In all but a few municipalities, the minimum width accepted for the road allowance is 66 feet, harking back to the measurement of the surveyor's chain used in the original municipal surveys one hundred years or more ago. More important avenues are required to be 86 feet (four lanes), 100 feet (four-lane county roads), 120 feet (six lanes) or more (if to be centre boulevarded).[76]

Many municipalities appear to believe that these are standards set by the Community Planning Branch, or by the Ministry of Transportation and Communications (especially to 66-foot minimum, which is almost universally thought to be required for provincial subsidies for road maintenance). In fact, they are not.

Kitchener permits 50-foot allowances on minor streets (and reduced specifications on the services installed) in order to assist production of lower cost units in certain areas. A special agreement with the developer, controlling the sale price, ensures that the savings will be passed on to the purchaser.

In Blackburn Hamlet, Gloucester Township recognized that an effective park-walkway system plus necessary active recreation space could not be provided within the 5 per cent land dedication. The problem was resolved by permitting 60-foot road allowances on minor loops and cul-de-sac streets. The acreage saved (a surprising total) was put into the parks. It is not certain, however, that this eminently sane policy will be continued.

The opposition to reduced right-of-way widths actually comes from engineering personnel at all levels, who argue ably and forcefully on the basis of the separate spacings required for pavement, sidewalks, and utilities of various kinds. Whatever the merits pro and con, the continuing debate could only be assisted by a provincial policy statement on these matters.

Road-widening requirements are limited by custom, although not by the Act, to a maximum of 27 feet except in unusual circumstances, and are seldom a cause for serious controversy. What the subsection lacks, however, is provision for accepting cash in lieu, in the absence of which municipalities are forced to take equal widenings off both sides of concession roads in order to be fair. As a result, the existing trees are destroyed on both sides.

Subdivision agreements remain the cause of most of the friction which accompanies the subdivision approval process. The Minister's conditions, authorizing these agreements, are couched in the most general language, leaving it to each municipality to determine the terms and contents of the agreement in the light of its own standards and circumstances. Although this self-determination is laudable enough in principle, it is not without untoward consequences in practice.

It should be understood that the provision of all services to prevailing municipal standards for new development has been almost universally practiced and accepted since the early Fifties, and is not a matter of dispute between the development industry and the municipalities. New requirements always encounter objections when introduced, but resistance by the industry to demonstrably desirable improvements (e.g., underground wiring) has never been sustained.

The continuing controversies focus on the engineering standards applied (especially on variations between municipalities), financial requirements (particularly

75. The arithmetic is as follows
@ 20 ppa, a 100-acre subdivision would accommodate 2,000 people. 5 per cent for parks, or 5 acres, would provide 2½ acres/ 1,000 population; generally accepted as adequate for neighbourhood and community scale parks which are regarded as the responsibilities of the local municipality.
@ 40 ppa, 10 acres would be required to maintain this park standard, but the 5 per cent provision of the Planning Act still limits the dedication to 5 acres. To make up the shortfall by purchase, even at unserviced land prices, could cost a municipality $100,000 - $200,000 in a metropolitan situation.

76. Scarborough and Mississauga are among the few municipalities which sensibly tailor the right-of-way width much more carefully to the pavement width.

levies and the terms for providing and release of performance and maintenance bonds), and housing standards (especially floor area requirements and attached garages). The last frequently find eventual expression in zoning bylaws rather than in subdivision agreements.

Thus North York Engineering uses a higher rainfall intensity curve for storm drainage calculations than Etobicoke does. As a result, storm sewers built east of the Humber River must be larger and therefore more costly than those on the west side. Any difference in the way the rain actually falls has yet to be observed.[77]

Cash levies can be equally arbitrary and variable, even within the same general area. For example, Etobicoke charges no levy for local sewer purposes, North York charges $2.50/foot, and Scarborough charges $6.25/foot. In the City of Toronto, East York and York, new development usually takes place through rezonings rather than by subdivision plans, in which case not even the Metro levy is paid.

Municipalities need not and do not account to the Minister, the developer, or the eventual purchaser (who actually bears the cost), where the funds so collected are spent or for what purpose. Many municipalities conscientiously plough the money back into the community in the form of major improvements. Scarborough, for example, builds storm drainage channels, among other things, out of levies and in this way spreads the cost of these expensive works over the whole drainage area, rather than leaving the burden to the properties which the watercourse happens to traverse. Ajax used the levies from its Clover Ridge subdivision to build a recreation centre to serve the whole town. The *quid pro quo* is that the new residents will enjoy facilities already provided by the earlier inhabitants.

Although Section 33(7) does provide for reference of subdivision agreement contents to the Ontario Municipal Board for arbitration, this has seldom, if ever, been utilized.

Many developers cite fear of reprisals on subsequent applications as the case of their reluctance, but this seems ill-founded. Municipal displeasure is frequently aroused for a variety of reasons, but solid evidence of later discriminating behaviour by councils and officials toward the same applicant is scarce.

The real reason is the time factor. Arguments over the terms of a subdivision agreement only emerge toward the end of a process which may have already taken eighteen months to two years. The option for the developer is waiting a further six months for an OMB hearing and decision (which may go against him), or capitulation to the municipality's demands, and registration in a matter of weeks. This is no choice. The developer invariably caves in.

Although the reasoning of the individual developer in each specific circumstance is understandable, collectively the industry must assume a large share of the blame for the cumulative result. By now the municipalities feel free to attach any conditions they choose, and they do.[78]

Minimum requirements for floor areas in dwellings, the provision of attached garages, etc., are characteristic of rapidly growing municipalities seeking to protect per capita assessment positions. Developers consistently rail against the practice and correctly point to the reduced ability of the private sector to produce lower cost accommodation as a result.

The municipal response is predictable, and valid. The revenue base apportioned them by the Province affords no other choice, they claim, and higher-cost housing is better than no housing. Besides, the development industry has shown little enthusiasm for any suggested restraints to its own revenue potential to ensure lower housing costs. The Kitchener price control system described above is not especially popular with developers, and there has certainly been no clamour for its introduction elsewhere. Indeed, at this writing, the experiment seems unlikely to be widely repeated, even in Kitchener.

Looking back, twenty-five years of subdivision administration illustrate perhaps as well as anything the main strengths and weaknesses of the municipal planning process. Decentralization of the approval process (at least in practice if not in law) coupled with mature municipal planning are obvious strengths in terms of local willingness to participate, and in the physical results which can accrue. Municipal planning capability is the key.

Lack of policy from the centre is the most evident weakness. In the absence of clearly enunciated provincial guidelines, even the most capable municipal operations can suffer from that excess of zeal, pettifoggery, and utilitarianism which is manifest in aggravating delays, unreasonable requirements, and stereotyped results.

77. In recognition of the anomalies, excesses and deficiencies which continue to bedevil the system, the Ontario Housing Advisory Committee has commissioned a study which hopefully will lead to a government policy statement on acceptable maximum and minimum levels of services for municipalities of various kinds.
78. The record for sheer, unmitigated gall was undoubtedly set by the old Township of Markham prior to its absorption into the Regional Municipality of York. Although there is no provision in the Act for charging subdivision application fees, some municipalities do charge a nominal $10-$20/acre to defray processing costs. No pikers they, the Markham Township Planning Board introduced an application fee of *$30/lot* in 1970. For one subdivision of 100 acres, the *application fee* amounted to over $13,000. The developer paid.

10.3 Zoning Administration and Building Regulation

a) Zoning Bylaws

Municipalities may pass zoning bylaws under Section 35 of the Act (where they are still referred to as "Restricted Area Bylaws") covering
– the use of land;
– the erection or use of buildings;
– buildings on marshy or otherwise unsuitable land;
– regulating the cost or type of construction of buildings and the height, bulk, location, size, floor area, spacing, external design, character and use of buildings, and the minimum lot dimensions;[79]
– loading or parking facilities;
– establishing pits or quarries; and
– prohibiting the use of land and the erection or use of buildings unless services are available.

Legislation enabling the passage of zoning bylaws preceded the passage of The Planning Act by nearly three decades and, in fact, remained a section of The Municipal Act until 1960.

Characteristically, bylaws are initiated by the municipality, and amendments are proposed by individuals in applications made to the council. Zoning bylaws and amending bylaws must be approved by the Ontario Municipal Board (Subsection 35(9)) before they come into effect. *Figure 15* illustrates the usual process followed in drafting a new zoning bylaw. It will be seen that because of historic origins, and notwithstanding its major significance in planning, the Minister stands somewhat aloof from the zoning process. Sometimes, but not frequently, the Minister sends policy directions to the Board (e.g., the UDIRA policy). As a staff service, the Community Planning Branch comments to the Municipal Board on the quality of bylaws and their conformity to official plans where such exist,[80] and ministerial weight is now being felt with increasing effect in this manner. Time was when the municipality could argue points raised by the Branch in front of the Board. Now the Board will not grant a hearing until the Branch is satisfied with the bylaw in all technical respects. This leaves the municipality squarely behind the eight ball in negotiations with the Branch over the many genuinely debatable points which are raised. Should the Branch ever choose to be obdurate, the municipality would have no other practical course but to knuckle under. Not a few municipal officials feel that, since there is a tribunal established to moderate disputes, the Branch should be permitted to, and be prepared to appear and present its case like any other objector to the bylaw.

During the past two decades, zoning has come to be accepted in almost all urban centres in Ontario. Comprehensive bylaws usually now prevail where no regulations, or where a collection of incomplete and unrelated restricted area bylaws existed previously. It is important to recall for later discussion how, in the early years, zoning (and with it much more of the municipal planning process) was consciously "sold" to the public as a means of protection for property. This theme was central to every plea for public support for planning programs.[81]

In the rural areas the reception has been less enthusiastic. In the early years even where regulations were passed they were likely to consist only of minimum standards (floor areas, lot sizes, setbacks) for development wherever it might occur, rather than any limitations as to use. Agricultural zoning is now more prevalent, but still encounters determined resistance from farm owners anxious to retain every opportunity to utilize or dispose of their land as they see fit.[82]

In many rural areas, pits or quarries are a serious land use problem. Unfortunately the municipalities' control is only quantitative, being limited to the establishment of new pits or quarries (Section 35(1)6). It does not include qualitative controls which might be utilized to regulate the operation and rehabilitation of the excavation.

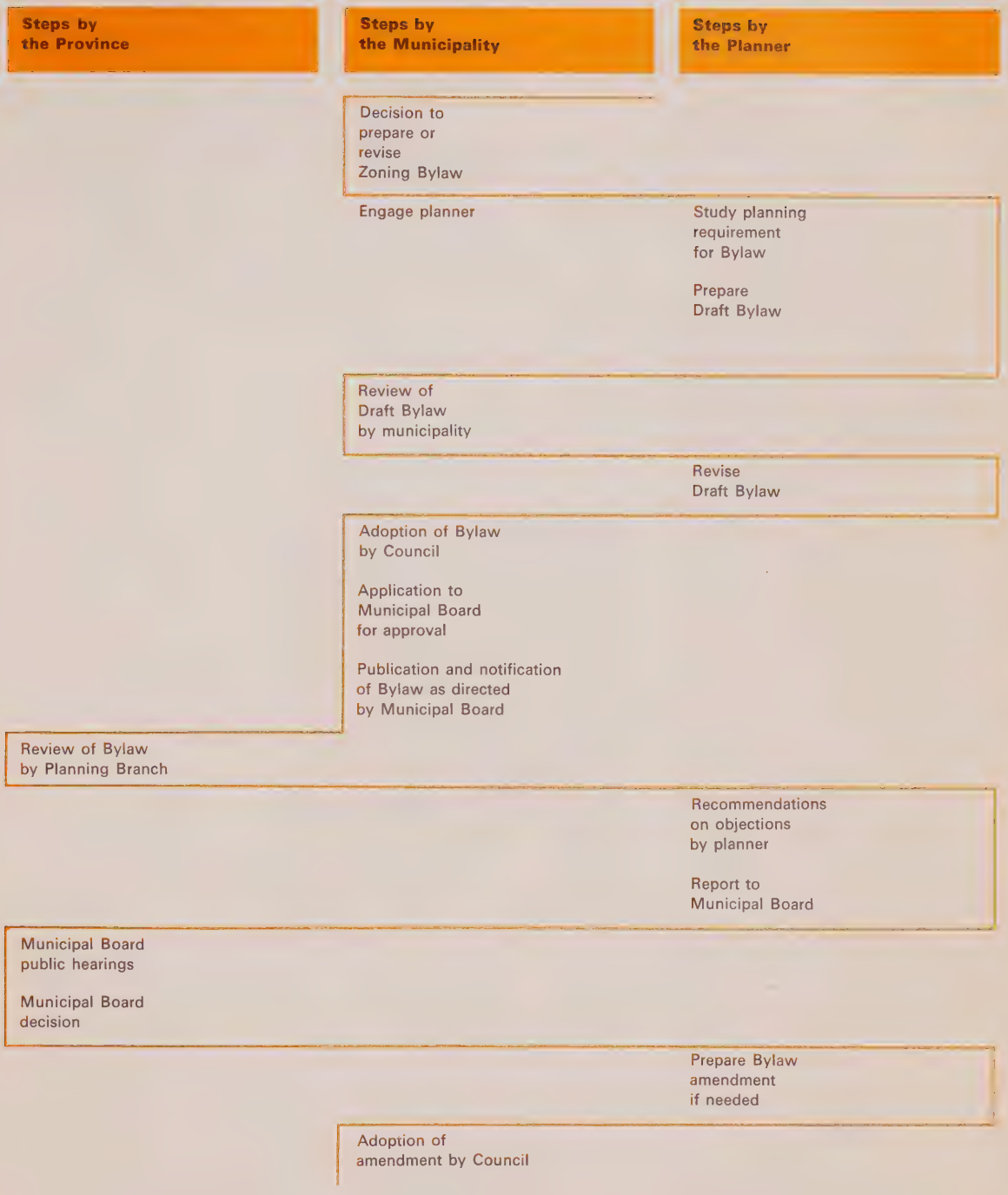
The Pits and Quarries Control Act passed in July 1971 therefore turned out to be something of a letdown. The Act requires that plans for rehabilitation be filed and approved before new pits and quarries are licensed, and that existing operations must do the same within a year. However, the administration of the Act will remain directly in the hands of the Ministry of Natural Resources, and outside the mainstream of municipal planning approval.

Cottagers' associations have begun to flex enough political muscle to secure passage of zoning restrictions in some resort municipalities during the past decade, despite the usual concerted opposition of the permanent rural residents. Sometimes the process has ended in a compromise, with zones established along the lake margins, where the cottagers' concern is focussed, and only rural type minimum standards elsewhere, in deference to the opposing interest.[83]

Zoning was devised to maintain the established character and to prevent intrusions by or conversions to uses deleterious to adjacent properties or to the community as a whole. When used for this original protective purpose, zoning bylaws are reasonably effective. When

79. Although The Planning Act permits the regulation of only lot frontage and lot *depth*, most municipal bylaws specify lot frontage and *lot area*. A lot area provision was finally challenged (Anzil Construction Ltd. vs. West Gwillimbury Township) and ruled invalid in 1971. An amendment to The Planning Act has been made.
80. Within Metropolitan Toronto, this service is now provided to the Board by the Metropolitan Toronto Planning Board staff.
81. It may seem ludicrous now, but, "Do you want a glue factory next door to you?" was common platform rhetoric twenty years ago.
82. No doubt to circumvent the political consequences of such an unpopular bylaw, the council of the Township of Colchester South requested the Minister to impose a zoning order on the municipality.

Figure 15
The preparation and adoption of a Zoning Bylaw



83. Stony Lake cottagers have applied to the Minister under Section 32 of the Act for a zoning order in the Township of Dummer, where the municipal council has failed to institute zoning regulations.

applied in the predictable, established and stable environments for which zoning was intended, the precision of the bylaw is desirable, its lack of qualitative controls acceptable, and its inflexibility not a serious handicap.[84] The relatively cumbersome amendment procedure is not a hardship, since rapid and frequent change is not expected.

The trouble is, the use of zoning has not been confined to that purpose in those circumstances. In the absence of any other means, zoning has been pressed into service as a development control device in areas where change is actually intended and encouraged.

All that makes zoning appropriate to protect stable areas makes it most unsuitable to control development in changing areas. The lack of possible discretion in application, the rigidity, and the absence of qualitative content are important handicaps.

Under Section 35, parking and loading spaces are the only specific facilities an applicant can be required to provide.

The game has therefore come to be played in such a way as to circumvent these difficulties. The zoning bylaw has become simply a means of forcing some sort of approval process, during which the municipality has an opportunity to apply various qualitative controls, and to extract financial and servicing commitments[85] not otherwise obtainable from the applicant.

The technique is simple. An area intended for change in the official plan is merely left in an uneconomic category in the zoning bylaw. No development can proceed until the bylaw is amended. The resulting process, however, is anything but simple. *Figure 16* illustrates the processing of a successful rezoning application in the City of Toronto. The reader might assume this example concerns a high-rise apartment project in an area where a change to higher residential densities is already contemplated in the official plan.[86] The present zoning is for lower residential densities, consistent with the existing use of the land. What follows describes an application which proceeds fairly smoothly. Obviously, complications may arise at any point to delay or reroute the application temporarily. It should also be noted that, although this example illustrates the general sequence, the internal procedures are different to some degree in every municipality.

An application is made to City Council and, in practice (though not by law), is referred to Planning Board, where the staff and the applicant hammer out a scheme in conformity with the City's policies and thought to be acceptable. The Planning Board then considers both written briefs (from the public) and interdepartmental reports, after which the application, further modified if thought advisable, goes back to Council via the Building and Development Committee. After further study and public representations, the proposal is sent from the Committee to Council in the form of a draft bylaw, tailored to the specific details of the project.[87] The bylaw is then considered and approved by Council.

All persons affected (considered to be property owners within 400 feet and any community association) are notified of Council's intent to apply to the Ontario Municipal Board for approval of the bylaw (Section 35(ii)) and given a time (usually fourteen days) in which to file objections to the bylaw with Council. Any objections received are considered by the Building and Development Committee, and any further changes deemed desirable are sent on to Council. (By this stage, any revisions must take the form of a further amendment to the bylaw.) Council then forwards the bylaw to the OMB with a report on the objections received and its response thereto.

The Ontario Municipal Board holds a hearing, following which a decision is delivered. The Board may approve or reject the bylaw, or it may reserve its decision until receipt of a further amending bylaw eliminating any features the Board feels are undesirable.

Subsections 35(13) and (14) permit the Municipal Board to approve the bylaw without holding a hearing, if no objections were received to Council's public notice, or if the Board considers the objection(s) received to be insufficient to require a public hearing.

It appears to be not widely known that the great majority of zoning amendments are approved without an OMB hearing since these latter subsections were introduced, because no objections are received to the notice.[88] This has speeded up the process measurably.

In place of site plan type bylaws, many municipalities employ a combination of a zoning bylaw amendment and a site plan agreement. The former simply sets out the quantitative limitations to the new use in the usual way. The latter is a document registered on title, whereby the owner agrees not to apply for a building permit except in accordance with a site plan (which also shows entrances, exits, landscaping, etc.) approved by the municipality. Although in wide use for well over a decade, site plan agreements have never been recognized by The Planning Act. It is therefore fortunate that their

84. Some flexibility is afforded by committees of adjustment in the granting of variances, discussed below.

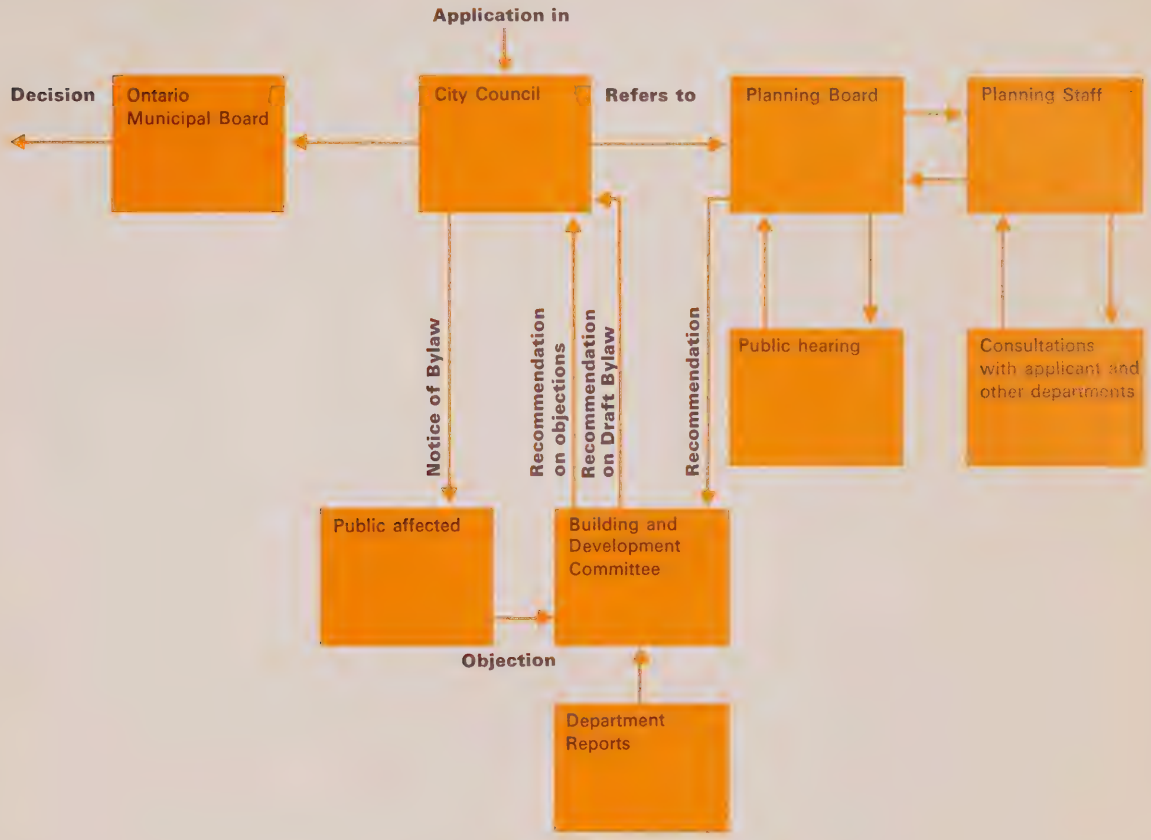
85. Section 35 of The Planning Act does not empower conditions to be attached to subdivision approvals. Nevertheless, for years almost all municipalities have used the zoning process to obtain service agreements, levies, widenings, park contributions, etc. Undoubtedly, someone will blow the whistle someday, and the Act will have to be amended to legalize future and past conditions, as it was for subdivision agreements in 1959.

86. If the proposal does not conform, an application to amend the official plan would have to be dealt with first.

87. A bylaw of this kind and in this form is sometimes called a "site plan bylaw" because it includes a map showing how the building is to be sited on the parcel of land.

88. But not because any objections received are deemed to be insufficient. The Board seldom, if ever, views an objection

Figure 16
The processing of a Draft Zoning Bylaw
City of Toronto



as inconsequential. Thus the 14 days' notice is a period of considerable anguish for the applicant. It takes only a couple of lines and an 8¢ stamp to cause a three- to four-month delay before a hearing date can be reached in the Board's crowded calendar. It is frequently the case that, when the hearing day finally dawns, the objector doesn't even bother to show up. There are no sanctions against such irresponsible conduct.

validity has never been tested, especially in a circumstance where the agreement was obtained by the municipality as a condition of bylaw approval, a practice which also lacks authorization under The Planning Act.

Although the years have shown that zoning can be made to work as a development control mechanism, it is evident that some other technique should have been made available. The results for zoning as a process have not been happy.

The first problem is that the general public has never understood, or even been aware that zoning is used in two completely different ways. Familiar enough with zoning in its usual protective role, the average property owner is unlikely to comprehend that it might have an alternative purpose in the same municipality, indeed, on the opposite side of his street. Even if he did, there is nothing in a zoning bylaw which would tell him whether the purpose is land-use protection, and whether the bylaw is being used for development control.

The official plan should tell him, but the official plan is a separate document which may have been passed many years earlier under different circumstances and which may not even mention the dual use of zoning. In any event, as has been noted earlier, even long-time residents are unlikely to be aware of the official plan, or comprehend its significance.

For the average citizen, it is difficult to understand how R2 zoning means nothing but single family homes on his property, but less than a block away, R2 may simply be a provisional zoning which the municipal council has long intended to change the moment an acceptable apartment project is proposed. To many neighbourhood groups, it appears that rezonings are likely to occur anywhere at any time, and that any successful rezoning is only "the thin edge of the wedge", portentous of imminent and indiscriminate redevelopment throughout the whole community.

This view is reinforced by other events which occur from time to time. Municipalities sometimes seek to amend the official plan, thus extending the boundaries of the area designated for change. Often the area of change is designated by a blob on a map in such a way that the boundaries are difficult to determine. The precise limits are only threshed out during the zoning amendment process.[89] Finally, anyone is at liberty to submit an application at any time for an amendment to a zoning bylaw. Even though the application may be ignored or summarily dismissed by the municipality, a determined applicant can appeal to the Ontario Municipal Board under Subsection 35(22). A hearing must be held, even though the application may conflict with the official plan, or contravene numerous municipal policies, standards or regulations. As such, the application will bear little chance of success on appeal, but the affected property owners might not know that, and believe they are in serious jeopardy.

A second problem resulting from the use of zoning for development control derives from the necessity of bargaining quantitative controls to achieve qualitative objectives not otherwise obtainable. Typically, this entails the practice of granting bonus densities during the amendment process in return for certain design features in the new residential development proposed.

The City of Toronto pioneered density bonusing, and its system remains the most sophisticated. Currently under consideration, a new revised policy proposes bonuses for such features as more landscaped open space, providing family type accommodation, more complete land assemblies, larger site areas, space for public use, and good building design. By qualifying for all of these, a project in a 2.5 fsi zone (i.e., approx 110-120 suites/acres) might be permitted a 3.2 fsi (140-150 suites/acre).[90]

Physically, the resultant project may be more pleasing when judged by the values which inspired the bonus weighting. However, the energetic pursuit of bonuses will undoubtedly yield buildings substantially larger than envisioned by the bylaw, and with proportionately greater impact on the public services and facilities available in the community. For those who do not share the values behind the bonus system, confidence in the zoning bylaw is further weakened.

In retrospect, one of the major misfortunes of the past twenty years of planning in Ontario has been the use of zoning for development control. Wholly inadequate for the purpose, it has proven to be at best a cumbersome and confusing means of accomplishing what could have been much more readily achieved using say, the British or the Alberta development control systems which have been known for many years.[91]

Most important, the use of zoning for development control has seriously undermined public confidence in zoning for its traditional land use protection purpose. From that stems much of the contemporary disenchantment with the planning process as a whole.

89. Hillsdale-Soudan, and Aura Lee, both in the City of Toronto were classic struggles to nail down the limits of high density development imperfectly defined in the City's District Plans.

90. Floor space index (fsi) is the ratio of permitted floor space to lot area. Thus a 2.5 fsi project would be permitted 2.5 x 43,560 or 108,900 sq. ft. of floor space for every one acre of lot area. Where the average suite size is between 900 and 1,000 sq. ft. (gross) this equates to about 110-120 suites/acre. At an average of 2 persons/suite, the population density would be in the order of 220-240 persons/acre. Similarly a 3.2 fsi would produce about 280-300 persons/acre.

It must be acknowledged, of course, that a great deal of dissatisfaction stems from the actual land use decisions, not the means employed in the process. If a high-rise project proved to be unpopular, it would have been so whether processed as a zoning amendment or under some other system. However, it is not too much to speculate that, had the integrity of zoning been preserved in the original land use protection role for which it had been so vigourously "sold" in the first place, a great deal of the fear and misunderstanding that now attends public participation in the planning process might have been averted.

It was noted earlier that the Minister stands somewhat apart from all of the above. Upon reflection it might be concluded that he is not aloof, merely wise.

b) Variances

Committees of adjustment were originally established to rule on applications for minor variances to zoning bylaws (Subsection 42 1), for enlargements and extensions to non-conforming buildings (42 2ai), conversions of non-conforming uses and buildings to other non-conforming purposes (42 2aii) and to interpret general clauses in bylaws (42 2b). In the performance of these functions, committees of adjustment have worked well, and remarkably few decisions on variances are appealed.

The existence of this sound legislation really made it practical to apply comprehensive zoning regulations to the existing fabric of uses and buildings. Without machinery to facilitate small modifications to zoning bylaws on a case by case basis, the imposition of new regulations on existing conditions would have resulted in either too many instances of undue hardship to property owners or, alternatively, to mitigate such hardships, would have necessitated bylaws so full of exceptions and special provisions as to be unintelligible.

Section 41 of the Act, which sets out the composition of committees, specifically excludes members of municipal councils. There is no evidence that many, or even any, council members have ever wanted to sit on committees of adjustment, but neither is there any valid reason why they should not be permitted to do so.

c) Building Bylaws

Since 1960, authority to pass municipal building bylaws has been vested in The Planning Act (now Section 30) but the presence of that section in the Act remains somewhat anomalous. Even before that date, the drafting and administration of building bylaws were not a part of the municipal planning process, and succeeding years have not altered the circumstances, or revealed any need to.

For building bylaws, the lack of uniform standards between municipalities, especially those in the same marketing area, and the difficulties in securing approvals for the use of new materials, have long been principal targets of criticism from the building industry, and the arguments and consequents need not be reiterated in this review of municipal planning. Arising out of a study commissioned by the Department of Municipal Affairs in 1970, an interdepartmental committee is already working on a uniform building code for use by municipalities throughout the province.

10.4 Urban Renewal

The phrase "urban renewal" in its broadest sense refers to improvement programs involving activities in both the public and private sectors designed to upgrade the urban environment by reversing the flow of human and social capital in those areas exhibiting deterioration in physical, social or economic terms. With respect to the public sector in particular, it is a program to create or maintain conditions that are attractive to human and financial investment.

It has long been recognized that any comprehensive municipal planning program must involve provision for continuing renewal activities along with the many other components normally included in such programs to guide and ensure orderly development and to enhance the quality of urban life. Such programs normally consist of three basic types of activity:

Conservation, which is intended to prevent the deterioration in sound areas of a community, through effective municipal housekeeping and stringent enforcement of zoning and maintenance and occupancy regulations;

Rehabilitation, which involves the repair and raising of standards of basically sound areas in which there is evidence of decline, deterioration or deficiencies limited in nature and extent, and

Redevelopment, which involves the acquisition clearance and reuse of areas of such deteriorated condition, inappropriate use, or deficiency in public facilities, services or utilities that other forms of remedial measures would be completely inappropriate or economically unviable.

91. In recent years, a number of Ontario cities have sought private bills enabling the exercise of development controls (e.g., London, Kingston, Niagara Falls). It is understood that these have been withdrawn pending completion of the Ontario Law Reform Commission studies alluded to in the introductory pages of this review.

a) Legislative Authority: A Retrospective Review

The Planning Act as originally drafted in 1946 made no specific mention of urban renewal but did include provision in Sections 15 and 18 for municipalities to acquire, clear and grade land for the purpose of implementing the features of an official plan. While there is limited evidence to indicate that some municipalities utilized the provisions of Section 15 to acquire land for industrial parks or sites for public buildings, there is almost no evidence to indicate that these provisions were utilized as a means of achieving urban renewal objectives.

Municipalities were empowered by The Housing Development Act of 1948 to participate in the financing and construction of joint housing projects in collaboration with the Province of Ontario and the Government of Canada. This Act enabled municipalities to become involved in "building developments' which included . . .

". . . a plan for the redevelopment of land devoted to urban uses designed to increase and improve the housing accommodation thereon."

Despite this reference to redevelopment, the provisions of that Act were used primarily for the construction of joint housing projects on vacant parcels of land and they were not utilized to any great degree to achieve broader urban renewal objectives.

Amendments to The Planning Act in 1952, 1953, and 1954 directed the attention of municipalities to urban renewal by the introduction of what is now Section 22. Briefly, this section authorized councils to:
– designate an area within the municipality as a redevelopment area;
– acquire, hold, clear, grade or otherwise prepare land for redevelopment within a redevelopment area;
– adopt a redevelopment plan for the redevelopment area;
– implement the redevelopment plan by a variety of improvements to buildings within the redevelopment area in conformity with the redevelopment plan, as well as the sale or lease of buildings or lands therein.

While these provisions were intended to achieve more widespread urban renewal objectives, the choice of wording which placed the emphasis on redevelopment attached little importance to conservation or rehabilitation measures.

Provincial financial contributions up to that time were available only for the construction of joint housing projects under the provisions of The Housing Development Act mentioned previously. Federal financial assistance under the provisions of Part III of The National Housing Act was available for renewal in an amount not exceeding 50 per cent of the cost where ". . . a substantial part of the area at the time of acquisition was, or after redevelopment will be, used for residential purposes."

In 1960, The Planning Act was further amended by the addition of Sections 21 and 22 which gave municipal councils authority to carry out studies of physical conditions in the municipalities, and to enter into agreements with the Minister for financial assistance in redevelopment projects.

The first section enabled municipalities to take full advantage of the provisions of Section 33(1)(h) of Part V of The National Housing Act, which enabled the Central Mortgage and Housing Corporation to:

"make arrangements with a province or a municipality, with the approval of the government of the province, to conduct special studies relating to the condition of urban areas, to means of improving housing, to the need for additional housing or for urban redevelopment."

With that revision of the National Housing Act, federal funds were made available through CMHC to pay for 75 per cent of the cost of urban renewal studies embracing an entire municipality, or 50 per cent of the cost of such studies embracing only a part of a municipality.[92] As a result, during the next few years many major urban centres in Ontario initiated urban renewal studies as a prelude to determining the nature and sequence of a municipality-wide urban renewal program that should be undertaken. These included Kingston, Niagara Falls, Cornwall, and the Lakehead municipalities.

Perhaps of more direct interest to Ontario municipalities were the implications of Section 22 which were accompanied by cost sharing by the Provincial Government similar to that available from the Federal Government. This was still limited to redevelopment areas having a substantial housing content either before or after redevelopment, but did stimulate further municipal response in places such as Bluewater in Sarnia, Moss Park in Toronto, Van Wagner and Crescent Beach in Hamilton, and Rideau Heights in Kingston.

Amendments to The Housing Development Act in 1960 also broadened the powers of municipalities with respect

92. In Ontario it was provincial policy to encourage studies covering the whole of a municipality, and such studies were seldom undertaken on a part of a municipality.

Figure 17
Three Phases of Urban Renewal Programs

* % of stipulated costs and recoveries with municipality bearing 100% of all other costs

	Type of program	Purpose	Cost sharing		
			* *Municipal*	*Provincial*	*Federal*
Phase 1	**Urban Renewal Scheme**	Determine nature and extent of deterioration on a municipality-wide basis and identify problem areas requiring further more detailed and intensive examination	25%		75%
Phase 2	**Urban Renewal Study**	Examination of a problem area and preparation of a detailed plan and program for its renewal	25%	25%	50%
Phase 3	**Urban Renewal Project**	Implementation of the proposals for all or part of an area for which an urban renewal scheme had been prepared	25%	25%	50%

to their participation in the construction of housing projects by enabling them to acquire, hold, sell, lease or otherwise dispose of land as well as to clear, grade or otherwise prepare land for the purpose of housing projects.

That authority and emphasis on housing projects, together with the condition of the federal and the provincial governments to contribute to renewal programs for areas embodying substantial housing contents, served only to reinforce the impression that urban renewal and slum clearance were synonymous.

In June 1964 a most significant legislative change occurred. Section 23 of Part III of The National Housing Act was amended to provide for federal involvement in sharing up to 50 per cent of the costs of preparing and implementing urban renewal schemes for blighted or substandard areas of municipalities *without* any reference to the condition that such areas include a substantial housing component either before or after redevelopment.

The Ontario Government, which had also been evaluating the need for modifications in its approach to urban renewal, was quick to respond to the federal initiative. Within a month, the Minister of Municipal Affairs announced a new program of assistance up to 25 per cent of the cost of preparing and implementing an urban renewal scheme. Urban renewal programs undertaken with federal and provincial assistance could therefore consist of three distinct phases: urban renewal studies, urban renewal schemes and urban renewal projects, as are illustrated in *Figure 17*.

At the same time, an amendment to The Planning Act was introduced permitting municipalities to take positive action in the spheres of conservation and rehabilitation by empowering them to pass bylaws setting out standards of maintenance and occupancy for housing. The legislation required the establishment of housing standards committees to hear appeals by persons required to undertake remedial measures under those bylaws.

With the passing of the 1964 legislation, the flood gates opened, and from then until the withdrawal of federal and provincial cost sharing in October 1968, Ontario's urban municipalities scrambled to enter into the preparation of urban renewal studies and schemes. For the first time, smaller Ontario municipalities could take advantage of the funds available, because in most instances their central business districts constituted the only renewal areas that could be appropriately instituted on a project basis. This shift in attention from residential areas to central business districts altered the objective of most renewal programs from that of social benefit, in terms of improved housing, to economic benefit, in terms of revitalized downtowns capable of yielding better economic returns.

The senior governments recognized that the initiative for taking advantage of their cost-sharing programs rested with the local municipalities. The Province, through the Redevelopment Section of the Community Planning Branch, provided every assistance possible, and in 1966 detailed guides for the preparation and implementation of urban renewal studies and schemes were published. These manuals represent the clearest statement of government policy in support of any aspect of The Planning Act that have been produced to date.[93] The only shortcoming was a failure in the urban renewal scheme manuals to differentiate adequately between the essential components for residential schemes, as opposed to those dealing with central business districts or non-residential areas.

Following the withdrawal of federal financial support in 1968, and in expectation of a revised program being formulated shortly thereafter, the Province suspended its financial support as well. Shortly thereafter the Community Planning Branch retained Mr. Homer Borland to undertake a review of the administrative procedures associated with the urban renewal program and to recommend improvements. Mr. Borland's report, entitled "Here Today . . . Here Tomorrow – A Review of Urban Renewal Procedures in Ontario", was submitted in November 1970, and there has been no further provincial initiative in the sphere of urban renewal since that time.

b) Evaluation

Despite their short duration, the urban renewal programs must be regarded as signal accomplishments in terms of administrative technique and the actual results that were achieved in the limited number of municipalities that were able to benefit from the program before its abrupt termination.[94] These programs allowed municipalities to take the initiative, shaping their development by action programs, instead of awaiting and then responding to the initiatives of private developers.

Any discussion of urban renewal with persons who were or are still actively involved invariably leads to comment on the administrative procedures. Because of the heavy financial commitments by the senior governments, they became actively involved in the planning process through the operations of joint co-ordinating committees. Usually coming from afar, it was costly and often inconvenient for their representatives to attend meetings devoted largely to detail that could easily have been left entirely to the municipality. In fairness to all concerned, it must be recognized that in most instances the personnel involved at all three levels were groping to find procedures that could simplify the approach to what is undoubtedly one of the most complex planning undertakings. The meetings did benefit from the breadth of experience brought to bear by the provincial and federal representatives.

As experience was gained in the operation of the co-ordinating committees, it became evident that the larger municipalities with sophisticated staff and other resources could function very independently, and they did. As a result, it seems now widely accepted that the committee approach is not essential to the success of the administration of cost-shared renewal programs, provided that suitable means can be evolved for maintaining control over expenditures and the reporting of progress of the work being undertaken. Once again, strong municipal capability proved to be the key to decentralized administration.

Perhaps the most serious criticism of provincial policy is the apparent dependence on federal initiative in the whole sphere of urban renewal. With the notable exception of maintenance and occupancy, Ontario has rarely acted unilaterally in initiating any legislation or programs, but has always done so in response to initiatives taken first by the federal government primarily in the form of amendments to The National Housing Act.

It was provincial policy that the approval of municipal participation in urban renewal studies and schemes would be contingent upon the existence of an official plan. This did not, however, contribute greatly to the completion of many official plans. What the program did achieve was the inclusion in many official plans, for the first time, of something useful and substantial pertaining to the older built-up sectors of the municipality which had so long been neglected.

93. It should be noted that the Redevelopment Section of the Community Planning Branch has probably made far greater use of guides and manuals than most other sections.

94. Those Ontario municipalities in which urban renewal schemes proceeded to the implementation stage are as follows: Toronto, Hamilton, Sarnia, Kingston, Sault Ste. Marie, Sudbury, Port Arthur, Ottawa, London, Kitchener, Niagara Falls, Cornwall, Mountjoy Township and Windsor.

Perhaps the most frequently voiced criticism of the urban renewal programs has been the focus of attention on redevelopment in specific project areas as opposed to programs of conservation and rehabilitation of more widespread impact throughout the community. Few critics seem to be aware that eight of the fifteen projects approved for implementation did include substantial areas for rehabilitation. The others dealt almost exclusively with central business districts, where demolition and rebuilding was undoubtedly the most appropriate form of remedial action, in light of the physical and functional deterioration and obsolescence which prevailed.

On economic grounds, most municipalities, embarking on their first major urban renewal activity, selected the central business district where the economic and physical benefits would accrue to the community as a whole. Rehabilitation programs, by comparison, would yield benefits to a much more limited sector of the community with lesser financial return to the entire municipality in relation to the expenditures involved. As a result the city-wide interest in achieving the greatest results per dollar invested usually took priority over more localized objectives to restore blighted neighbourhoods. In all fairness to the smaller Ontario municipalities, it must be pointed out that the central business district was almost invariably the oldest and most obsolescent part of the community. One can conjecture that, had the program lasted for a longer period of time, attention would have been focused on other sectors of these municipalities with rehabilitation undertakings, for example, receiving the attention they deserve.

Another inhibiting factor to the more widespread use of rehabilitation was the federal policy of the "project approach." This placed the emphasis on comprehensive renewal in clearly defined "redevelopment areas". In Stratford, for example, the urban renewal study of the entire city revealed no clearly defined areas for which major projects should be undertaken. Instead, it brought to light a sprinkling of residential and non-residential structures requiring rehabilitation or clearance, scattered throughout the community. The narrow interpretation of the Act, requiring the delineation of a clearly defined redevelopment area, precluded Stratford (and many other municipalities) from upgrading the urban fabric by programs extending over the entire community.

This "project approach" also limited the ability of municipalities to take advantage of the provisions of Section 30(b) of The Planning Act which enabled them to make loans to cover the cost of repairs at interest rates determined by the council – meaning that they could be very low or even non-existent. Had it been possible for councils to extend financial assistance for rehabilitation efforts throughout their municipalities, the results might have been more noteworthy.

The biggest impediment to more widespread rehabilitation activity, however, was the optimistic notion that extensive improvements could be achieved by the application of maintenance and occupancy bylaws. While the enforcement of zoning bylaws and other development controls can contribute significantly to conservation programs by preventing the intrusion of incompatible uses, the same approach is less valid as a means of upgrading private property that has begun to exhibit deterioration.

The achievement of improvements through bylaw enforcement can only be successful where there are flagrant violations of minimum acceptable standards. It is clear that more widespread improvement programs designed to upgrade the standard of private property can only be successful where the need for, and desirability of, improvements is recognized by the individual owners themselves, who are then encouraged and assisted in their efforts by public programs.

Urban renewal programs can have a greater and more direct effect on the residents of the scheme area than any other aspect of the municipal planning process. Provincial and federal policies always emhpasized citizen involvement, and were especially concerned with the measures planned to relocate persons displaced in the implementation of an urban renewal project. The requirement that "redevelopment plans" be subject to the approval of the Ontario Municipal Board guaranteed one very visible mechanism for public involvement. In general, however, the nature and extent of public participation was determined by the local municipality as well as by the particulars of the specific areas for which the schemes were being prepared. The experience varied widely. In downtown schemes, the business community was often content to let the public bodies and the technical people orchestrate the whole project. In residential areas, there was growing discontent with a process that excluded effective public participation before the basic decisions were made.

In Trefann Court in Toronto, opposition to the original scheme prepared in 1966 was so extensive that it was scrapped and totally new procedures were developed for evolving a plan in close consultation with the people involved in the area. There, a Working Committee was established to prepare the plan which was subsequently

processed through the Urban Renewal Committee to the Executive Committee and finally the City Council.

The Working Committee consisted of representatives of the homeowners, tenants and businessmen in the area as well as the two ward aldermen. It also had a secretary, two development officers from the City's Development Department and one planner (whom the Committee itself selected), and enjoyed full access to all City Hall staff and available information. All of the planning costs were underwritten by the City.

This Committee commenced its work in the spring of 1970 and its efforts were culminated by the approval of the Trefann Court Renewal Plan by the Council of the City of Toronto on March 16, 1972. It was a landmark achievement and, in the manner of its preparation, certain to be of lasting importance to the municipal planning process. It forced the recognition by all three levels of government that, apart from central business districts, the preparation of an urban renewal scheme for a residential area is not a problem of city-wide significance. Such projects are primarily of local concern and must be approached with maximum provision for direct local involvement from the earliest stages. The decentralization which has been built into the process is eminently conducive to individualized treatment. The role that the federal and provincial agencies are wisely assuming is that of general policy guidance, encouragement, plus technical advice and assistance where requested. It is evident that the techniques pioneered in Trefann Court may well afford a model for similar projects throughout the province. Trefann offers important lessons for other aspects of the municipal planning process as well.

Although the urban renewal legislation did provide for the examination of social conditions existing prior to renewal, and for employing appropriately qualified personnel to minimize the social impact resulting from redevelopment proposals, there was no provision for cost sharing in the construction or operation of necessary facilities to rectify deficiencies or satisfy identified needs. This meant that costs of such facilities as recreational centres or day nurseries had to be borne entirely by the local municipality, whose financial capabilities in most instances were already overtaxed. In consequence these facilities rarely materialized. This is another inadequacy of the program that could only emerge during its implementation, and is one that might have been rectified if federal and provincial involvement in urban renewal had been sustained over a longer time period. In any event, it seems clear that if either or both of the senior governments re-enter the urban renewal field, they should actively participate in this most important sphere.

In that regard, Trefann Court was also of special significance, in that the approved scheme does include provision for the construction of a community centre and the engagement of two community workers.

Notwithstanding the criticisms noted above, it must be said that, in the limited life of active urban renewal programs in Ontario, a very substantial contribution was made to the improvement of the urban environment in those municipalities where initiatives were taken. That success was due in no small measure to the guidance and assistance provided by the Province. The urban renewal programs remain perhaps the outstanding examples of what can be achieved by municipalities acting essentially on their own within the framework of clearly enunciated policy guidelines from the centre.

Quite outstanding results were achieved where nothing closely comparable would have been possible without the guidance and financial assistance that was available. A few of the more dramatic transformations which come to mind include the Civic Square area in Hamilton; the Borgia area in Sudbury; Alexandra Park in Toronto; the Preston Street area in Ottawa; the Stage I and Stage II areas in Windsor; and the Central Business District in Port Arthur.

One can only conjecture what additional benefits might have been realized had the program not been so short lived and its demise not been so sudden. A revival of government activity at all levels is clearly overdue.

10.5 Public Works

Section 19(1) of The Planning Act provides that where an official plan is in effect, no public work shall be undertaken that does not conform to the plan. In this regard, it is important to recognize that under the Act "public work" means only those improvements which fall within the jurisdiction of a municipal council or a local board. (Section 1j). It is patent, however, that public works by any level of government can be important for the municipal planning process. Accordingly, the implications of both local and senior level public works will be examined in this review.

a) Local

Local authorities learned very early that the rate and the sequence of development and redevelopment could be very effectively regulated by the timing of construction of public works of various kinds. Some, but by no means all, of the urban municipalities have included staging plans based on services as parts of this official plan.

Trefann Court in downtown Toronto is now a planners' "historic site" marking recognition of the rights of local residents to take part in local redevelopment plans.

Breathing room. Open land is hard to preserve. Not long ago a toboggan run, this is now a subdivision.

Trunk sanitary sewers are almost invariably selected as the critical utility for determining the stages, since their extension requires a certain logical sequence.

Although exceptions can be demonstrated easily, it is evident that a generally high degree of co-ordination exists between the planning process and the provision of public works at the municipal level. It must be acknowledged that this co-ordination probably results less from Section 19 than it does from the everyday working relationships built up by the municipal planning staffs and their opposite professional numbers in engineering, some school administrations, parks, conservation, etc.

From the start, co-ordination was especially good in the provision of utilities (sewer, water, hydro) and improved somewhat later with respect to roads when the relationship between traffic and land use came to be better understood. Regrettably, in terms of transit, the record remains, at best, spotty outside Metropolitan Toronto.

It has been observed that Section 33(5) of The Planning Act guarantees the provision of some parkland but it does not ensure improvement of the land for recreational pursuits, and expenditures for this purpose usually lag. Section 35(1)3 permits the passage of zoning bylaws to prohibit building on land subject to flooding, or on rocky, low-lying, marshy or unsuitable land too expensive to service. When applied in concert with regulating powers governing landfilling granted to some conservation authorities, effective means are available to preserve valleys and scenic areas for greenbelt purposes.

With respect to schools, the pattern is uneven and is probably not improving. When school boards were local, co-ordination with municipal planning was more readily achieved than is evident now with the county and regional boards of education.

Where co-ordination is good (e.g., Mississauga and the Peel Board of Education) it is usually based on personal relationships dating from earlier days. In time, of course, staff turnover will sever those remaining links.

School administrators frequently ignore Section 19 even if they are aware of it. When the Metropolitan Separate School Board expropriated a parcel beside Etobicoke's East Mall in 1968, the Borough Planning Director wrote, pointing out the conflict with the municipality's official plan, wherein the site was designated for public park purposes. The School Board scarcely blinked.

As a result, school construction presents the only real problem for co-ordinating planning and public works at the municipal level, but it is serious. The situation could be remedied easily by ministerial notice that boards of education are indeed "local boards" for the purposes of Section 19 of The Planning Act.

b) Senior Levels

If local works offer few difficulties, the opposite is true for most of the works constructed by provincial or federal agencies. Clearly beyond the reach of Section 19, projects by senior governments are usually disruptive by nature, but seldom is any attempt made at co-ordination with municipal agencies. Among the significant exceptions are the HEPC (prodded by the Solandt Commission toward greater environmental concern in the routing of its transmission lines), the Ontario Housing Corporation (exemplified by its scrupulous observance of municipal policies and regulations at Malvern), and the Ministry of Transportation and Communications.

Highway construction has been considered to be synonymous with the bulldozer,[95] so that few may suspect the care now exercised by the latter department (and of its predecessor, the DHO) in co-ordinating its projects with municipal planning. Undoubtedly this arises from the Department's very early appreciation of the interdependence between roads and land use.

Studies for the new interchange locations on the Highway 401 widening east from Toronto, the routing of Highway 406 through the Peninsula, Highway 417 from Ottawa, and Highway 17 through Kenora, are recent examples of intensive and co-ordinated municipal and provincial planning effort. (Although the results of the studies have not always proved to be politically acceptable.) The Joint Technical Transportation Planning Committee (JTTPC) is a joint Metro-DTC committee set up in the aftermath of Spadina, and charged with formulating new and co-ordinated proposals and policies for roads and transit in the Toronto Metropolitan Area. All of the new generation of transportation studies (e.g., Windsor, London, North Bay) include significant content on municipal goals and community structure.

In contrast, it is difficult to recall any Ontario Hospital, or reform institution (built mainly during the Fifties) or any of the new universities or community colleges (which proliferated during the Sixties) which were located with notable regard for municipal land use plans or any extensive degree of local consultation.

The OAPAD Study[96] covering the southern parts of Ontario and Durham Counties was one of the most com-

95. Everyone's favourite example is the construction of the Queen Elizabeth Way below rather than above the Niagara Escarpment during the late Thirties. In that innocent day, the primary determinant was the existing bridge over the Welland Canal at Homer (long since replaced by the Garden City Skyway). It was not until post-war urbanization scattered along the route that the disastrous impact of the highway on the fruitlands was recognized.

96. Oshawa Area Planning and Development Study, financed by the Department of Municipal Affairs, and supervised by a provincial-municipal task force.

prehensive joint municipal-provincial planning studies ever undertaken.

Funded at about $750,000, the project was terminated just past the mid-point ostensibly for lack of local response. It was just as well. Most of the work that had been done went down the drain when the new Toronto Airport, and the North Pickering Community (population 200,000) were announced.

At this writing, Scarborough is busily engaged in preparing Secondary Plans for its Highland Creek and Rouge Communities, apparently oblivious to the fact that at least one provincial plan routes the East Metro Freeway right through both communities on its way to North Pickering and the Airport.[97] The planning boards for Bruce and Grey Counties threatened to resign if land purchase plans for provincial parks along the Escarpment by the Department of Lands and Forests were not made known to them.

Subsequent chapters will discuss the provincial planning process, and its importance in providing guidelines as to future provincial works. These will not necessarily cover federal works, which will remain a similar, but perhaps less frequent cause of uncertainty in the municipal planning process.

Veteran's Land Act subdivisions have left a legacy of problems for municipalities. Registered mostly in the years immediately following World War II, the majority of the VLA subdivisions in Ontario were located in premature places, unrelated to community facilities, and difficult to furnish with urban services. [98]

After almost a century of relatively fixed existence, and two decades of very rapid change in economic patterns, transportation technology and land values, it is safe to predict that rail relocation studies will be increasingly frequent. For land use and transportation in the municipalities affected, the results are potentially revolutionary. Hopefully, the rail relocation studies recently initiated in Thunder Bay and North Bay are portentous of a close federal-municipal co-operation in this field.

In Welland, an abiding concern for railway grades and costs in the initial planning for the relocation of the Welland Canal around the city has led to a whole series of decisions and events which have the municipality and the St. Lawrence Seaway Authority at loggerheads. To avoid interruptions on the new canal, it was sensibly decided to run trains through tunnels rather than across bridges. In order to maintain acceptable grades on the Penn-Central tunnel, the St. Lawrence Seaway Authority has planned a rail crossing of the old canal which impedes the natural flow of water in that channel through the centre of the city. Only later was thought given to maintaining water quality in the southern and central reaches of the old canal. Currently, the City is adamant that flow be maintained, while the Authority insists that chemical treatment of the water will suffice. If the new Ministry of Urban Affairs is to have any role in easing the impact of federal projects on municipalities, it has not yet been evident in the case of the Welland Canal relocation.

From the examples cited, it will be clear that the degree of co-ordination in planning and public works, which is usual at the municipal level, is not likely to be attained where provincial and federal projects are involved, if the present circumstances continue. The recent selection of the Toronto Airport site perhaps illustrates the problem best. Although citizen participation in the process was a stated federal intention, the actual selection was so secret that not even the citizens' municipal representatives knew. Fear of land speculation is the justification advanced for the secrecy. The uncertainties which beset municipal planning are pervasive enough in the best of circumstances. Where disruption from outside is sudden as well as total, the process becomes futile, and undeserving of public confidence. The latter should not be discarded lightly. Far better, it would seem, to devise new means to alleviate land speculation, so that necessary public works by federal and provincial bodies can be fully and openly discussed at an early stage. Only in this way can the municipal point of view receive its deserved consideration, and the municipal planning process be spared the prospect of having always to react from a position of disarray.

97. So secret were the airport studies that not even the JTTPC was kept informed. Committee members saw the expressway proposals in the newspapers.

98. Evidently they are still at it. In 1970, a V.L.A. subdivision was registered in Ballantrae, of all places, some five miles north of Stouffville. It is safe to assert that no private development proposal at that location would have received a moment's consideration.

Chapter 11

The Economic and Social Consequences

Unreasonable land prices for uses of any kind in all of the active development areas of the province are perhaps the most significant economic consequence of twenty-five years of municipal planning experience. From these costs flow important social consequences. This central fact stands as the most serious indictment of the municipal planning process, and of the Province's policies and procedures with respect to it.

As has been stated, the principal objectives in the passage of The Planning Act were physical, and to the extent that economic consequences were considered, these were in terms of direct costs to municipal and educational budgets. A broader evaluation of the impact of the process appears not to have been considered.

One of the major objectives of planning has been to contain sprawl and where this physical pursuit has been achieved best in the face of heavy demand (e.g., Metropolitan Toronto) land costs are at their most unconscionable.

Since 1954, the Metro Toronto Planning Board and the subsidiary boards in the planning area have built up the most effective municipal planning operation in the province. There, planning won early public acceptance as a function of municipal government. The planning area was regional, or at least subregional, in scale. Planning budgets have been larger than almost any other jurisdictions, staffs have been well trained and, because of the challenge and the favourable climate for planning, many first-rate professionals have been attracted.

The efficacy of the resultant planning controls is perhaps illustrated most dramatically at Bathurst Street and Steeles Avenue, where twenty-storey apartments on the south side of Steeles tower over green farmland on the north side. The normal workings of the real estate market, wherein the leading edge of low density development usually precedes higher density uses by several miles and as many years, have been completely sublimated by planning regulations.

The major reasons for high land costs in most of Ontario's developing areas can all be linked to the very successful containment of urban sprawl. The basic method used has been to permit new subdivision development only when full services (mainly sanitary sewers and municipal water) are supplied. For example, the last septic tank subdivision in Metro was approved in 1955, and thereafter development has moved up the trunk sewers as they have been constructed by Metro, the boroughs or the developers themselves. Development has thus been "staged" very strictly and the supply very effectively limited. Consents have been rigidly restricted. Since the demand for accommodation in Metro has been intensive throughout, the result has been a steady and at times dramatic increase in land prices.

The recent freeze on septic tank subdivision in the Beaver Valley-Blue Mountain areas has had the same effect on the cost of chalet lots. It is reasonable to anticipate that when similar restraints are imposed out of necessity for pollution control in summer cottage areas, parallel land cost increases will be experienced.

This should not be read as a denigration of the policies of controlling sprawl, abating pollution, etc., which carry very serious economic and social costs in themselves. The concern here is with the unnecessary substitution of a new type of cost in the process of solving the first problems.

Ten years' strenuous efforts by the Ontario Water Resources Commission have succeeded in rectifying much of the backlog of existing water supply and sewage treatment problems. The Province has therefore been able to turn its attention in recent years to assisting in the supply of serviced land. The South Peel trunk water and sewer schemes (which will service lands with a potential 250,000 population in the West Credit portions of Mississauga and Oakville and about 175,000 in Brampton-Chinguacousy) furnish impressive evidence. A similar scheme is bruited for Central York, and other projects on various scales are being planned for other centres in the province.

The federal-provincial land assemblies were initiated in the early postwar years, before it was clear that a private development industry could or would emerge. Vigorous

pursuit of the program might have afforded an effective means of restraining residential land prices. Unfortunately, precisely when the new planning regulations were beginning to tighten the supply of building lots in the early Fifties, the public land assembly program was terminated for other reasons. Thus, a great opportunity was lost to reconcile legitimate planning objectives, such as control of sprawl and pollution abatement, with the inevitable squeeze on the amount of land available for development.

In Metropolitan Toronto, for example, Thistletown (Etobicoke) was developed but it was too small to affect the market. Most of Edgely (North York) was sold for a university site, and Malvern (Scarborough) is dribbling into production far too late and at prices too high to help matters. One of the few examples of an assembly large enough in relation to the market area to really influence land prices was that in Peterborough.

Coincident with the imposition of effective planning controls, municipalities have continually increased the financial and servicing requirements imposed on developers. Many of these charges reflect the inadequate revenue base of a municipality in the grip of a major wave of development. The more picayune requirements appear to stem from a determination to foreclose any possibility of future complaint from a resident. These have naturally driven up the price of land to the builder and ultimately for the purchaser. The more onerous of the municipal requirements have been identified in numerous briefs by the Urban Development Institute and other bodies and need not be reiterated here. Where, as in the case of Metro Toronto, municipal boundaries have not been rectified in pace with development, new residential growth must take place in surrounding municipalities, separated from the main body of non-residential assessment within the central city. Where this occurs, normal municipal requirements are reinforced by delays and new charges and levies of various kinds. All of these are, of course, passed on to the consumer.

Rising land costs are reflected in industrial and commercial as well as residential development, with commensurate effects on the costs of living as a whole. However, it is in the impact on housing costs that the social consequences are most severe. High costs for new housing have been reflected throughout the entire housing market, new or old, ownership or rental. When the cheapest new house in a market area exceeds $25,000, the costs of the old houses inflate as well. When the monthly rate of a one-bedroom apartment approaches $200 or more in a new building, the cost of a similar unit in an old building tends to float up correspondingly. [99] As a result, the share of income required for shelter becomes more and more disproportionate, which obviously hits hardest at the already disadvantaged groups in society – the poor, the old, and those on fixed incomes.

It may be noted that overall construction costs have risen at a relatively slow rate during the period despite the fact that component parts have advanced greatly – labour costs being the fastest growing. Indeed, a tremendous amount of energy has been expended to trim construction costs by more efficient contract management, cheaper materials, greater use of mechanical equipment, more factory production of components and even the prefabrication of whole housing units.

These laudable efforts have kept per square-foot building cost increases within reasonable limits. Regrettably, such efforts have been more than offset by serviced lot prices which have doubled, tripled, and in some places quadrupled in the past fifteen years. A 50-foot lot in North York now costs about $20,000. In 1957 a similar lot was two or three miles closer to the heart of the city and $12,000 lower in price.

Ominous for the future is the already observable impact of the Toronto Centred Region Concept. By shutting off further growth in the smaller fringe communities, the Province has turned off the last safety valve for land prices in the Metro Toronto area. Even as these pages are being written, lot prices there are entering a new round of escalation.

Critics of the seeming complacency of government at all levels in the face of this problem should recognize that high land costs, and the economic and social consequences thereof, do not carry with them discernible political liability. At the local level, quite the reverse is true, where most successful municipal campaigns include at least some reference to "upgrading the community", which in office translates into policies which force newcomers to pay more. At the provincial level, government of the same lineage has presided undiscomfitted over the full span of The Planning Act, and over the escalation in land prices which is the direct result of the application of the Act.

Undoubtedly, it is a source of considerable satisfaction to most homeowners that their investment has doubled in value in the past ten to fifteen years. What is puzzling is the evident torpor of tenants and those seeking to purchase housing. Patently there is little motivation of a purely political kind to grasp this nettle. A perusal of the

99. An interesting suggestion is that high housing costs are at least partly responsible for arresting the deterioration of inner city residential areas. So valuable has every house become, the argument runs, few houses can be abandoned. There may be some correlation, certainly the scale of private rehabilitation in Toronto's inner neighbourhoods is unusual by North American standards, as are its housing costs. If so, it is yet another manifestation of the impact of higher housing costs on poorer people who are driven out by middle class "white painters".

literature put out by 1971 provincial candidates from all parties in more than a dozen Metro area ridings (where housing costs are highest) revealed but three or four references to housing costs. Pollution and Spadina were the fashionable issues, and "viable" the most overworked adjective.

High interest rates are the second major contributor to the rapid increase in housing costs. During the past decade, the mortgage rate has gone from about 7 per cent to over 9 per cent, with the halcyon days of 5½ per cent NHA insured loans, which helped to house half a generation, are now a distant memory. At the federal level, where the responsibility lies, the same party has remained continuously in office throughout this period. If recent pre-campaign rhetoric is any guide, high mortgage rates for housing are not among the important issues in the public mind.

The often maligned development industry is one of the few bodies which has continuously protested against the economic consequences of the municipal planning process, but to little avail.

Seen in this light, the very tangible efforts by the Province in the housing field take on a new lustre. Unfortunately, the directions of that effort have not been well balanced to date. Caught up in the immediacy of spiralling housing costs, the major response has been to build housing rather than the development of land. Since the primary cause is the scarcity of developed land, this amounts to treating the symptoms and not the disease.

The Ontario Housing Corporation's record in the provision of housing has been described in an earlier section. It is regrettable that it has not been thought wise, or found to be possible, to devote a balanced effort to the production of serviced land. Substantial tracts have been purchased in Saltfleet and Waterloo County, and the North Pickering assembly has commenced, but these do not appear to be part of a planned program of ensuring an adequate supply of serviced land in the correct places, while planning controls prevent scatteration of unserviced lots in the wrong places.

If the Province does intervene in the development of land, and particularly if it seeks to do so on a scale aimed at rolling back serviced land costs (with an anticipated effect on the whole housing market), the question immediately arises whether it can or will be done under the same municipal rules that developers (or even OHC in Malvern or Thistletown) have had to contend with. If the Province changes the rules for itself, can the private development industry legitimately request similar treatment? Would that not represent a further encroachment on municipal autonomy in plan making and processing? Subdivision administration is one of the few parts of the process where municipalities now enjoy some delegation of function and decentralization of administration.

The preoccupation with economic growth, and the materialism and utilitarianism of society in the decades following World War II, were not without reflection in the municipal planning process. Thus, although devised to cope with growth in certain physical dimensions, the municipal planning process was also operated to encourage growth, at least growth of certain kinds. Limitations on commercial and industrial development have never been as stringent as those applied to residential growth.

Consider this range of examples: In Toronto, inner city transportation facilities almost monopolize municipal debate at times. Parallel consideration of the extent of downtown commercial growth, which generates the need for these facilities, is scarcely discussed. In suburban areas, floor space indices have long been applied to residential development to control density. Seldom are such restraints applied to employment areas. Thus, for example, North York has only recently bestirred itself to ponder the implications for traffic and parking of unfettered industrial and commercial expansion at such locations as Don Mills and Eglinton, where no rapid transit exists and none is planned, at least for some time.

In the smaller cities and towns, most urban renewal proposals were unabashedly aimed at promoting downtown commercial expansion. Many City Council members in Stratford, for example, were frank in their disappointment with the results of an urban renewal study which suggested a declining residential area merited higher priority than the downtown. In smaller municipalities, acreage designated for industrial purposes in official plans commonly approached 30-40 per cent (vs. a realistic 20-25 per cent) until the Community Planning Branch began to intervene and insist on a more realistic relationship between the sizes of employment areas and the potential labour supply. In Muskoka, provincial incentives and municipal planning have combined to entice and accommodate paper and glass manufacturing to a resort environment, where water quality is already threatened, and where a vast inventory of summer homes invites a sprawl problem of the first magnitude if a large permanent labour force is attracted to the district.

The exclusion of significant social content from physically oriented planning, and the sublimation of aesthetic concerns to utilitarian precepts are further manifestations of the prevailing public mood in the municipal planning process. Thus, cities have plunged into huge high-density apartment projects, secure in the adequacy of the setbacks, parking requirements, etc., but without real analysis of the social results of such high densities on such large concentrations. Concern is focussed mainly on design, and less on operation wherein reside the long-term costs and benefits of the project.

The postwar wave of suburban development had proceeded for fifteen years before underground wiring began to be a requirement, and only now are landscaping provisions finding their way into subdivision agreements. During the past decade, the general level of suburban densities has increased by 20-40 per cent, but the parks requirement under The Planning Act has remained statically tied to acreage. As yet there is no really effective statutory basis for regulating signs.

The failure of the municipal planning process to do its full part in anticipating the untoward results, in terms of traffic congestion, unsightliness, permeating pollution, and environmental deterioration, has not been lost on a public now thoroughly aroused by these conditions. It is not enough for the planning process to simply reflect prevailing moods. It is supposed to be, and it certainly claims to be, a far-seeing process. In the light of these prognostic shortcomings, the resistance shown in some quarters of the municipal planning process to wider public involvement appears even less becoming, and less justified.

In any event, if municipal planning is to be extended across the province in strengthened form, and if the Province's own planning role is to be expanded, it seems imperative that the Ontario Government recognize the economic and social consequences of municipal planning to date, especially where it has operated most forcefully. The government must also consider the consequences of its own planning activities and policies foreshadowed in the Toronto centred Region Concept and other provincial plans now in preparation. Positive action must then be undertaken to correct the serious situations that have been created, and will be accentuated.

Chapter 12 An Overview

So far, this review has examined only the past. The preceding pages contain observations and judgments which can and will be translated into recommendations in the concluding sections. These will be in the form of quite specific proposals for legislation, for policy initiatives and changes, and for procedural modifications or innovations. It is thought useful at this stage to offer a summing up of the broad impressions gained after review of the first twenty-five years' experience for municipal planning in Ontario.

When The Planning Act launched municipal planning in 1946, it introduced a most politically sensitive activity on weak or unprepared recipients spread over a wide area. With the benefit of hindsight, it is evident that the paramount need at the provincial level was a measured combination of central policy formulation, and decentralized administration. In fact, remarkably little policy was devised and disseminated, and administration was an uneven mix of centralized and decentralized operations.

At the municipal level, the first priority was to develop strong municipal planning capability. Yet, in the early naive belief that any planning was good planning, the provincial attitude toward municipal activity was almost totally laissez faire.

Indeed, the legislative emphasis on planning boards tended, if anything, to relieve municipal councils of feeling real responsibility for planning. When exhortation, and then coercion increased only quantity, but not quality in the municipal planning process, the provincial reaction tended toward further centralization of administration, and where thought necessary, to intervention.

The lessons of the past twenty-five years are clear enough. Although far from perfect in any aspect, the municipal planning process obviously functions better when strong municipalities cover proper planning jurisdictions (e.g., Metro Toronto); when administration is decentralized at least *de facto* if not *de jure* (e.g., subdivision plans); and where centrally devised policies and procedures are clearly enunciated and systematically disseminated (e.g., urban renewal). Conversely, results are poorer where municipalities are weak (e.g., the resort townships). Where administration is centralized (e.g., official plans) municipalities are reluctant, and where provincial intervention substitutes for policy formulation and dissemination (e.g., the Ontario Municipal Board in zoning matters) the process is undermined.

These observations are by no means original, they have been the subject of debate for years. Recognition of these problems motivated at least some aspects of the legislation establishing the regional municipal governments, beginning with Ottawa-Carleton in 1969. In the establishment of strong municipalities with wide planning jurisdictions, and with the promise of decentralized administration when attainment of planning capability is formalized, the government is now moving resolutely toward the placement of municipal planning on a sound basis across the province.

A combination of factors rather than purely planning considerations will, of course, determine the boundaries of the new regional governments, but at least this much is already clear: However expedient for other reasons, a too slavish devotion to existing county boundaries will, all too frequently, merely replace little irrational units with big irrational units. Where this occurs, the stability of the municipal planning base will diminish.

Increased public exposure to municipal planning has been matched, sad to relate, by mounting citizen dissatisfaction with a process which is still fashioned to obtain their co-operation and not their participation. The municipal planning process was initiated at a time when citizen involvement of a direct kind was expected to focus on purely local concerns. Adequate machinery has never been devised for direct participation on larger issues, and the Metro Spadina experience vividly demonstrated the potential for explosive results.

This weakness is also evident in the new regional municipalities, where geography adds to the problem of participation. Too large for neighbourhood-style public meetings, too small for political parties, the regional municipalities have been created without real regard for this question. At the same time, the regional municipality legislation is tending to concentrate the municipal plan-

ning process at the level most remote from the citizens. These are not favourable portents for the future.

Finally, the municipal planning process enabled by The Planning Act was intended to achieve physical objectives. It did. By quantitative and functional measurements, the results merit a favourable judgment. Sprawl has been arrested, many are housed, industry is served, neighbourhoods are safe, utilities have capacity, and traffic moves (at least off-peak). Critics who dismiss the achievement have simply not pondered what might, nay, would have, occurred without the Act and the process it fostered.

Criticism on qualitative and esthetic grounds is much more justified, some excellent examples of urban design and execution notwithstanding. It is in this area that the planners themselves have let the side down. The profession has patently failed to provide real leadership in promoting amenity and attractiveness to soften the utilitarian cast of Ontario's communities.

In the preoccupation with physical objectives, consideration of the economic and social consequences has been lacking, with costs described in the preceding section. It is essential to recognize that many of these costs are highest where municipal planning is, by administrative standards, functioning well. This offers important lessons at a time when municipal planning is being strengthened across the land, and when provincial planning is being initiated as a process with profound effects on the way in which people will live.

Part II

Objectives for the Seventies

The first twenty-five years of municipal planning in Ontario flow into the next decade in a climate of pervasive change. The developing trends of the 1960s, documented in Part I, emerge in the 1970s as firm facts of life. Municipal planning finds itself responding to a diversity of new and changing forces; among others: a heightened provincial presence, an expanding regional government program, intensified citizen participation, a new federal stance, and subtle but unmistakable changes in the form, content and very nature of the planning process, in the planning profession, and the development industry.

From the achievements and failures of the past, and from the visible realities of the present, it is possible to identify a set of general objectives to which the Province's policies relating to municipal planning should be directed over the next decade. These are:
– *Creating the proper framework for planning;*
– *Extending the coverage of good municipal planning;*
– *Broadening the popular base of planning;*
– *Improving the social and economic consequences of planning.*
Part II of this Review is devoted to recommendations aimed toward all of the actors, public and private, who share in the process.

It may be worth reiterating at this point certain of the premises laid down in the Introduction. This is a study of municipal planning and of provincial policies and procedures primarily as they affect municipal planning. It is not a study of provincial planning, nor is it a review of provincial-municipal relations in any broad sense. Thus, the recommendations will be focussed on those things which can and should be done by the Province, having reasonably direct application to the municipal planning process, and falling within the present general framework of the provincial-municipal relationship.

Two consistent themes may be perceived underlying all of the recommendations which follow, and these themes derive from the conclusions stated at the close of Part I. The first is the simple, hoary (and distinctly at odds with many contemporary trends) notion that the provincial role in municipal affairs, specifically in this case municipal planning, should be limited to the formulation and dissemination of policies which are of significance on a provincial scale. To the extent that administrative functions are necessary, these should be decentralized to the greatest extent practicable.

This, of course, will only work if the municipalities are capable of meeting their responsibilities. And the second underlying theme is the need to strengthen abilities for planning at the municipal level, not only those of the public agencies already at work, but also the capabilities of the citizens who seek, and who should find, a constructive role in the process.

Chapter 13

Creating the Proper Framework

It has been noted that until recently the effective framework for municipal planning in the Province has consisted mainly of the legislative enactments which govern local planning activity. For many years, this essentially permissive legal structure was accompanied by an equally permissive administrative machinery at the central government level. During the Sixties, however, the provincial government increased the number and strength of its initiatives which have a direct bearing on municipal planning. These included, at various places and in varying degrees, elements of the following:
– active intervention into the content and operation of local planning;
– outright engagement in regional planning, with frequent incursions into areas normally associated with local planning responsibilities;
– structural revisions of municipal planning machinery;
– a number of specific policy formulations with direct consequences for local planning.

It is plain that the framework within which municipal planning operates has been changing significantly, from the previous rather minimal configuration to an increasingly complex arrangement. Complexity is perhaps an inevitable consequence of the emerging strong central government stance; but to date the prominent characteristics, perhaps equally inevitably, have been a confusing operational framework and an indistinct policy framework for municipal planning. The need for a clear framework, with which municipalities can plan in a consistent manner conforming to essential provincial policy formulations and operational requirements, is an absolute prerequisite for effective municipal government in the next decade.

13.1 An Overall Provincial Strategy

The Province's responsibility for establishing the municipal planning framework centres, in the first instance, on the formulation and clear articulation of the basic strategy for provincial development, and on the role of the municipalities in implementing this strategy. The components of an overall strategy can be defined simply: coherent and systematic goals; co-ordinated programs for pursuing these goals; an appropriate organization for carrying out the programs; and finally, suitable methods for adapting the goals, programs and organizational structure to changing circumstances.

The elements of overall provincial strategy which affect municipal interest most directly are likely to include the following:
– a basic policy on the allocation of provincial resources;
– a co-ordinated program of regional social and economic development across the province;
– a coherent, province-wide policy on the form, shape and function of local government;
– a consistent philosophy on critical policy concerns, including particularly environmental conservation, social and economic welfare, and community amenity;
– effective mechanisms for financing provincial and municipal programs.

Some aspects of these basic elements are already established in the *Design for Development* series of policy statements, and others are currently emerging. Some others, it would appear, are present either as fragmentary bits and pieces of evolving provincial policies or are simply, to date, nonexistent. What appears to be beyond dispute is that there is not as yet an overall provincial development strategy confirmed and reflected in a provincial structure plan. It is also clear that without such a strategy and plan there can be no effective framework for municipal planning in the province, and that its formulation should be afforded a high priority on the agenda of major public policy.

Recommendations Summarized

It is therefore recommended that:

–An appropriate provincial structure plan be devised clearly establishing an overall strategy for provincial development. The means of implementing the plan should be spelled out, including a clear definition of the role of the municipalities in carrying out the plan.

13.2 Nature and Content of Provincial Plans; The Boundary Between Provincial and Municipal Planning

Determining the appropriate boundary between provincial and municipal planning is, in a real sense, almost as important as determining what the plans actually provide. The appropriate guiding principle is clear: The exercise of provincial planning should be directed to those matters which are of direct provincial concern or importance – to those matters, that is, which reflect or directly impinge on provincial interests and responsibilities, be they specific programs or functions, fundamental policies, or the safeguarding of residents' rights.

This principle is like most principles in that it is easier to state in theory than to define in practice. The basic characteristic can perhaps best be elicited by noting, by way of illustration, the fundamental divergence between provincial and municipal concerns in a given functional area. As this report has continuously stressed the question of housing, it can usefully be cited for illustrative purposes.

The direct provincial interest in housing is plain. It is, in essence, that there should be an adequate supply of dwellings, in kind, number and quality, to house the province's population. The mechanics for serving this basic provincial interest extend of course well beyond the question of planning programs and controls. Within this ambit, however, there is little doubt that provincial planning should be concerned with determining the numbers and kinds of housing units to be established in each part of the province, in ensuring (directly or indirectly) that adequate supporting services (in particular underground utilities, power and community facilities) are provided, that municipal programs for maintaning the quality of existing dwellings are effective, and that municipal development control and fiscal policies do not prevent or inhibit the achievement of provincial housing goals. There is, equally, the need to ensure that direct provincial housing programs are supported by suitable municipal actions and that housing finance programs, federal and private, are suitably co-ordinated with the Province's basic housing goals within each regional municipality.

Beyond this there appears to be little of genuine provincial interest or concern. Such questions as density standards or distribution patterns, for example, are probably matters which are essentially for local determination. They do not affect basic provincial interests in any fundamental sense and therefore do not really belong within the scope of the Province's regional planning programs.

Nevertheless, they do impinge directly on major areas of local concern – in this case the basic character of the communities involved and the obligation to provide a satisfactory physical and social environment for the municipality's inhabitants. To put it more simply: the provision of suitable numbers of different types of dwellings within each regional municipality is of direct provincial concern, the distribution of these dwellings within the municipality is primarily a local matter.

In essence, therefore, provincial responsibility can be defined as setting a broad *regional* framework for provincial development; regional responsibility to formulate and execute regional development plans within the framework; and local responsibility to set detailed local policies and administer local programs within the regional outline. In this context, "region" applies to the basic five-region structure which has been established for provincial economic and development planning, and is not to be confused with the smaller regional government areas which are emerging as the general pattern for local government in much of the province. *Design for Development Phase III* announced the consolidation of the ten economic regions into five provincial planning regions – Eastern, Central, Southern and Western, Northeastern and Northwestern. The nature and scope of planning for those provincial regions can be described summarily:

Provincial regional plans should embrace, in the first instance, the province's social and emonomic goals for each region. These goals should be expected to include at least the following elements: the broad pattern of future inter-regional development and general character of future development within each region (e.g., urban, agricultural, recreational resource, etc.); the projected scale of development (persons, dwellings, economic activities, jobs); the general infrastructure of physical services (transportation, utilities, etc.) and of community and institutional services (education, social welfare, recreation, community development, etc.).

Provincial regional plans should incorporate basic provincial policies relating to the conservation of the physical and social environment and the welfare of the inhabitants.

Provincial regional plans should also be viewed as basic instruments for co-ordinating the planning of specific provincial programs relating to regional development.

An integrated transportation system is fundamental to the success of the concept of the Toronto Centred Region.

These include, of course, the traditional and obvious programs such as housing, transportation, recreation, environmental conservation, power resources, etc., but should be taken to comprise as well the wide range of community development programs which are a basic provincial responsibility (e.g., education and social welfare).

The general question of provincial regional planning involves some important issues. First is the matter of public accountability for provincial planning programs. Unlike municipal planning programs, which are governed by legislative stipulations and require provincial sanction, the content of provincial "plans" as such is subject to only the general political and financial restraints imposed on the formulation of any major government policy. Notably lacking, as has been strikingly evident in the Toronto Centred Region experience, is a mechanism either for thorough public scrutiny of the basis of provincial planning policies, or for continuing review of these policies.

To appreciate the gap between the presentation of the basic Toronto Centred Region concept and the formulation of its principles and policies, it is understood that more than two years after the document was originally issued, and a year after the subsequent *Status Report,* current work which is underway includes, among other activities:
– studies on the size, shape and timing of development in Zone 1 (the basic urban development area of the region);
– formulation of the basic principles underlying the Parkway Belt;
– preparation of detailed population allocations for districts within the Toronto Centred Region area;
– studies on open space requirements for the region, and their implementation;
– studies on the diversion of employment to eastern sections of the region;
– preparation of a plan for an integrated transportation system serving the area;
– review of the role of the Kitchener-Waterloo area in the region and formulation of programs to influence the timing of development in that area;
– review, in the light of environmental considerations, of the proposals for growth in the Barrie and Midland areas.

It is not suggested that the execution of a provincial planning program for this region need await the final formulation and adoption of each of the detailed elements of the plan. What is apparent though is that the adoption of government policy for this region – and, significantly, the implementation of government policy in the form of decisions concerning development approvals, land acquisitions and "new town" development programs – has been carried out without any real, visible presentation and public judgment of the basic underlying principles involved, of the essential information on which these principles are based, and of the social, economic, institutional and financial implications of carrying out these policies.

There has been no way for the affected public to make reasoned judgments concerning the TCR program and, equally important, for all of the affected municipal governments to provide a significant input into the formulation of the basic policies (as distinguished from their current urgent need to make a meaningful response to the adopted policies). The provincial-municipal task forces established for North Simcoe-Georgian Bay and for Port Hope-Cobourg, and the Metro-York-Provincial Liaison Committee may be portentous of greater municipal input.

Without such a mechanism, provincial planning for and in the region will be an elusive exercise, susceptible to all of the vagaries of the same *ad hoc* decision making which have heretofore characterized much municipal planning activity under the permissive structure of The Planning Act. There is no real reason, other than the vague shelter of provincial constitutional rights, for provincial plans affecting the regions to be subject to any less scrutiny than municipal plans affecting local areas. Both, in the final analysis, involve and affect the very same people and the way they live. It is essential that machinery be put in place to ensure that provincial regional plans undergo a formalized process of public consideration, and that the process of adoption, review and revision be similarly formalized.

The second issue is directly related. Provincial authority over regional planning involves the need to ensure that there is both meaningful public participation in the planning process itself, and that those affected by planning decisions are adequately represented in the formulation and execution of those decisions.

Third, the provincial planning function must continue to provide, in some form, for sanctioning local actions within the provincially-determined framework. The provincial concern is primarily that local actions do not conflict with basic provincial policies or inhibit the execution of provincial programs. There is also a somewhat more elusive responsibility to ensure that local planning programs are consistent with a level of municipal services which can be reasonably regarded as attainable. Beyond these points, this review has repeatedly stressed

that decisions on local matters should be taken locally, and that the provincial approval function should not incorporate concern with the substantive detail of local policies.

A final matter of provincial responsibility is that of inter-regional co-ordination. Here again the main concern should be the maintenance of basic provincial policy and program interests. Provincially-imposed "co-ordination" between adjacent regional municipalities which extends substantially beyond this point is not likely to be very productive or effective; only genuine collaboration between parallel governments in the pursuit of parallel interests can produce a meaningfully co-ordinated planning program. The most basic provincial interest is to ensure a suitable fiscal and structural base for such collaboration.

Recommendations Summarized

In summary, it is recommended that:

– It should be clearly established and accepted that provincial responsibility with respect to municipal planning is directed primarily to setting a broad regional framework for provincial development; that regional responsibilities are mainly to formulate and execute regional development plans within this framework; and that local responsibilities are to set detailed local development policies and administer local programs within the regional outlines.

– Provincial plans should be established for each of the five consolidated planning and economic development regions and should incorporate the following elements:
The Province's social and economic goals for each region.
The Province's basic policies relating to the conservation of the physical and social environment and the welfare of the inhabitants.
The specific provincial programs directed to achieving provincial goals and carrying out provincial policies in each region.

– So that the basis of provincial development policies can receive proper public scrutiny, legislative provision should be made for provincial regional plans to undergo a statutory process of hearing, adoption and review, and for provincial actions to be subject to the provisions of formally adopted provincial regional plans. As part of this process, procedures should be initiated to secure adequate public representation in the formulation of provincial, regional and local plans.

– To secure the satisfactory achievement of provincial regional goals, a suitable fiscal and organizational base should be established within each of the five planning regions to enable both first- and second-tier municipal governments to pursue co-ordinated development policies which will satisfy specific local interests within the framework of the established provincial goals.

13.3 Decentralizing Provincial Planning Administration

To secure and maintain a productive framework for municipal planning it is desirable for the government to disengage itself progressively from direct involvement in planning affairs at the municipal level. It is suggested in a subsequent section that the ultimate objective should be total delegation to municipal governments of the wide range of ministerial planning approvals, reserving to the senior government the essential power of assuring that municipal actions conform to basic provincial policy requirements, and the responsibility for adjudicating appeals from municipal planning decisions.

Delegation of provincial approval powers will properly be contingent upon the availability of satisfactory municipal plans, capable staff, and fair and effective procedural methods. The most immediate prospects for such conditions being met are in the new regional municipalities. As is noted later, similar delegated authority should be made accessible to single-tier municipalities having suitable planning capability, but remaining outside the reorganized local government structure. In either case, however, delegation to all municipalities will assuredly be a drawn out and uneven process.

In the meantime, an important step toward delegation can be taken through the effective decentralization within the provincial administrative structure, of most aspects of development processing. Local provincial representatives, operating at least at the level of the five major planning regions, should be given *de facto* powers to deal with the main instruments of planning control (i.e., subdivision plans, official plans and amendments, and the review of zoning bylaws and land severance, etc.), wherever those powers remain in the hands of the Minister.

The reasons for this are clear. Local provincial representatives are both visible and accessible. They should possess, on the one hand, intimate knowledge of local circumstances and a corresponding understanding of the local implications of specific decisions; on the other hand they can convey in accessible terms the basic rationale for specific provincial policy formulations. This should lead

to clearer understanding by all parties (provincial, municipal, private) of the issue(s) involved, and a generally more efficacious setting for rational disposition of small and large policy questions. The delegation of real authority to local provincial representatives should also facilitate more effective co-ordination of diverse provincial programs within the area concerned.

This also requires a significant degree of decentralization of decision-making authority in the various provincial agencies carrying out regional programs. Local field offices serving primarily as local information units, or as mechanisms for carrying out work in the field, are of course important. But the adequate presentation of provincial development policies at the local level and the proper accommodation of local response require that the detailed policies themselves should to the greatest possible extent be worked out at a local or regional level.

Recommendations Summarized

It is therefore recommended that:

– Pending the ultimate delegation to municipal councils of provincial authority over municipal planning decisions, the provincial administrative machinery should be decentralized to permit the greatest possible degree of *de facto* decision-making authority on the part of regional and local field representatives; and

– The various provincial agencies concerned with formulating and carrying out provincial development policies should similarly be decentralized to facilitate co-ordination and accommodation of provincial and local interests.

13.4 The Role of the Ontario Municipal Board

As described in Part I, the Ontario Municipal Board is an administrative tribunal which has been established to apply provincial policies in the specific areas of its jurisdiction. Affecting municipal planning, these are the consideration and approval of zoning bylaws, appeals of committee of adjustment decisions, municipal boundary changes (with the Minister's leave), municipal borrowing for capital works, and, at the Minister's referral, local official plans, amendments and subdivision applications. The Board is essentially an administrative agency with a subordinate legislative role – the elaboration of established legislative policies through its decisions.

It has been evident for years that for many, if not most, of the questions the Board deals with, provincial guidelines are either vague or lacking. The policies applied by the Board have tended over time to become those it has itself formulated. While the Board has sometimes taken the position it is not bound by past decisions and at other times that the principles underlying previous decisions are relevant, its decisions are, in a very important sense, incremental in nature. Over time, and in the critical areas where pre-established provincial policy is lacking (e.g., high-density residential development), the Board's decisions have served to become provincial policy, rather than simply to elaborate such policy. Similarly, the Board's frequent position that stated policies in provincially-approved official plans do not constitute firm guides for its own decisions on zoning matters, has effectively placed much of the responsibility for setting municipal development policy directly in the Board's hands, and out of the hands of the Minister responsible for the approval of official plan policy statements.

The Board does, of course, adhere to stated provincial policy determinations when these are available, and in recent years at least some of its decisions have been made on this basis. Nevertheless, the rather anomalous situation in which the Board makes zoning decisions which run counter to policies which have already received provincial sanction in approved official plan statements, arises in large part from the fact that its main role in municipal planning matters has come increasingly to be seen as providing a form of guardianship for "citizen" interests. It has in fact come to act and to be popularly recognized as a kind of ombudsman for affected residents.

There is little doubt that the "ombudsman" function is an essential part of the planning process. But the mixing of two significantly different functions – protection of the rights and interests of affected residents, and elaboration of government policy through the adjudication of conflicting viewpoints – in one and the same process, the OMB hearing, should not be accepted as a continuing feature of the municipal planning process in Ontario.

Some conclusions can be drawn. First, the proper route for citizen participation in municipal planning should not have to be through a provincially appointed tribunal. Citizen participation in policy making should be through proper policy-making channels, that is to say, political. It is for the municipal council to actually decide on zoning and other planning issues. It is the Minister to whom appeals should be addressed, and by whom appeals should be decided.

Second, a more suitable form of public enquiry is desirable for the purposes of appeals. For the Minister to decide, he must have suitable information. This comes to

him in part from his own staff – does the proposal conform to the official plan, to stated government policy? This comes to him in part from the advocates, and from the ombudsman – are the rights of interests of affected residents suitably secured? And it should also come to him, in part, from the kind of objective judgments which, where contentious issues are involved, can be rendered most effectively by independent hearing officers.

There are two essential differences between the Board-type hearings conducted in Ontario and the Inspector-type hearings of the United Kingdom and some other countries. One difference is the ability of the hearing officer to secure competent independent technical evaluation. The lack of such a contribution has frequently been evident in its OMB's adversary-type hearings, where the Board has to depend on conflicting technical evaluations commissioned by and presented on behalf of the competing parties. Truly independent technical or professional review is an important element in the British type of hearing.

The second main difference is possibly even more important. In Ontario, the Board not only listens and evaluates, it also decides. In the British hearing system the Inspector listens, evaluates and recommends, but it is the Minister who decides. Policy is made, in effect, by those elected to make policy.

Legislative changes should be initiated concerning the approval of zoning bylaws and with respect to various types of planning appeals. Approval of zoning bylaws should be vested in the political bodies which are located closest to the people affected by such decisions and hence most directly accountable for the consequences of the decisions.

An appointive body such as the Ontario Municipal Board should not be assigned nor should it have to assume a policy-making function. The Board's function to decide on appeals on planning matters should be vested in the Minister, who should utilize an inspector system, following the British model, to elicit the facts. The Board's ombudsman role should be assigned to a body specifically established to safeguard citizens' rights in planning matters. These latter proposals are explored more fully in a later chapter.

Recommendations Summarized

It is therefore recommended that:

– The Ontario Municipal Board be relieved of its powers with respect to zoning bylaw approvals.

– The Ontario Municipal Board's present jurisdiction over zoning bylaws and planning appeals be abolished and replaced with an appeal and enquiry system providing the following:
Vesting with the responsible minister the right to decide on all appeals from municipal planning decisions;
Complete ministerial jurisdiction on the reference of appeals to formal enquiry, within the terms of an established statutory procedure;
Appointment of independent government inspectors to make recommendations to the Minister with respect to referred appeals, utilizing public hearings and carrying out other investigations necessary to secure relevant information.

Chapter 14

Extending Good Municipal Planning

Good municipal planning over the whole of Ontario is a realistic objective for the next decade.

What constitutes *good* municipal planning? Obviously, different things for different people, but many might agree that it at least comprises plans and processes which are clear, comprehensive and responsive to the requirements, opportunities, constraints, and desires of an area and its people. Adequate tools, useful research, up-to-date techniques, broad consultation, imaginative thought and sound decisions are among the more evident components. If the above, or something close to it, will suffice as a planner's promised land, how is Jordan to be crossed?

This chapter discusses the possibilities under four different headings: first by strengthening the working tools available to the participants in the process; second, through the creation of proper municipal planning jurisdictions; and third, by improving the technical quality of the product. The fourth aspect of the discussion is directed toward making planning a much more integrated part of the total municipal management process.

14.1 Improving the Planning Act and Related Procedures

The Planning Act provides the statutory framework for municipal plan making and processing in Ontario. Although the Act is clear, comprehensive, and adaptable for most municipal planning purposes, a number of important shortcomings are evident. Similarly, the evaluation of the products of municipal plan making and processing has revealed certain inadequacies and some apparent misdirection in the provincial policies and regulations applied pursuant to the Act. In framing responses to the new opportunities and problems of the next decade, the obvious place of beginning is in rectifying the deficiencies within and emanating from the basic enabling legislation.

a) Municipal Plan Makers

Although the present Planning Act provides for adoption of a plan by the municipal council, the actual preparation of the plan is assigned to the planning board. All board members must be appointed by council, but only after an amendment in 1972 has it been possible for members of council to constitute a majority of planning board. Furthermore, a two-thirds majority of council is necessary to over-ride a negative planning board recommendation on an official plan amendment initiated by the council.

This partial separation of the municipal council from the business of plan making is out of step with the regional government legislation, which properly assigns plan preparation to the council, which is the body that comes closest to fairly representing the inhabitants, and which is responsible for the results. As competent professional staff in adequate numbers becomes increasingly available, there will be less and less validity to the proposition that citizen appointees to planning boards (except for rare individuals of special qualities) can contribute to the technical side. It is equally plain that few such appointees could or would claim to represent, in themselves, a significant component of what is coming to be accepted as citizen participation in municipal planning. All of the necessary political input can and should come from the elected council. What remains then, of the citizen appointee's role?

This section will contain a number of recommendations intending to lay forever at rest the curiously persistent notion that politics should be kept out of planning. Is there any activity of local government more politicized than the planning process today? The first of such recommendations then will be that The Planning Act be amended to assign plan preparation to municipal councils everywhere. Councils should, of course, be at liberty to establish advisory planning committees on municipal-wide, community, or neighbourhood bases, for continuing or special purposes, to suit the needs of the particular municipality from time to time. These need receive no recognition in the Act nor should the legislation assign to them any specific functions or approval powers.

The only exception to this will be the joint planning boards, which obviously will be necessary as long as joint planning areas are desirable. However, ministerial approval of joint board memberships should not be

required, and ministerial intervention in this area should be limited only to arbitrating differences, and appointing members from territories without municipal organization.

There seems to be little need for the Minister to name a "Designated Municipality" in a joint planning area. Any municipal council within the planning area should be empowered to adopt a plan, and should be empowered to appeal to the Minister the failure of another constituent council to do so. Councils should be able to over-ride joint planning boards (and other planning boards where they persist) by a simple majority. Adequate avenues of appeal for dissatisfied parties, whether corporate or individual, are and will continue to be a part of the total process.

The assignment of the planning function directly to the municipal council is regarded as one of the single most important steps toward improving both the quantity and quality of municipal planning in Ontario throughout the next decade. This measure will surely reduce the occasions where councils, either consciously or unconsciously, evade their responsibilities in the planning field.

b) Municipal Plans

Under the present Planning Act, the official plan has always been the basic instrument for municipal planning and the context within which various powers to initiate and control development are exercised by municipalities. However, it is now almost platitudinous to describe planning as a process. Not only do perceptions and the ordering of values shift from time to time but, as strategies are executed and new constraints emerge, planning goals themselves require refinement or redefinition. Is there any purpose, then, in retaining in the planning enabling legislation the notion that there should be a plan which is a written public document?

Although it will be recommended here that the definition of what constitutes a plan should be revised, this review unreservedly endorses the concept of the plan document. The reasons are thought to be significant ones.

First, while experience has demonstrated that documentary plans may be of high or low quality and may be extremely productive or even counter-productive, it is felt that the requirement that a written document be prepared imposes a discipline on the actors in the planning process. The plan comprising a statement of goals and strategies will be open to public scrutiny and criticism. Under these circumstances it seems more likely that the planning process will perform at a higher degree of effectiveness than if no such discipline is required.

Second, a requirement that the plan be in documentary form conveys the notion that any revision or modification of the plan will be effected by a revision or modification of the document itself. This provides everyone (or at least everyone who takes the trouble to understand the process) with some measure of certainty. The plan is not like a straw carried by the wind. It is a formal document which can be changed only if a formal amendment is made to it.

On the other hand, it is important that an efficient method of modifying a plan be available. While a totally flexible plan is a contradiction in terms, a totally rigid plan likely will produce as many or more harmful effects than good. As always, the problem is to build into the plan and process enough stability to encourage reliance on the plan and public confidence in the process, while retaining sufficient flexibility to permit desirable amendments to be made relatively efficiently.

The preparation, adoption and submission for ministerial approval of official plans has not been made generally mandatory under The Planning Act. Rather, the government is pursuing a policy of gradually imposing mandatory plan making within specified time limits where conditions conducive to good planning have been established. Thus far, mandatory planning has been a feature only of recent regional government legislation[100] which in most cases to date has established reasonable if not perfect geographic parameters for municipal planning and, even more important, has created strong municipal governments with resources (sometimes underpinned with provincial financial support) to mount and sustain a solid plan making effort.

This policy should be continued. There really is no point in requiring a lot of soon-to-be-superseded plan making in jurisdictions inadequately sized or structured for the purpose, or in municipalities incapable of producing a good job or of maintaining the necessary administrative establishment for proper implementation. In this respect, the options are not really very different than they were twenty-five years ago, except that now conditions suitable for good planning are very much more in sight. The only policy change recommended is that where planning is made mandatory, periodic comprehensive review should also be made mandatory. Without any strong feelings in the matter, five years is suggested as a reasonable interval between reviews.

100. It will be recalled that some amendments will be required to the earlier regional government legislation. Under the Acts pertaining to Regional Ottawa-Carleton and Regional Niagara, plan making and adoption is mandatory, but not submission to the Minister. Under The Metro Toronto Act, plan-making is assumed, but not specifically made, mandatory, nor, of course, is submission for ministerial approval.

Life in the country isn't always what the real estate ads say.

The reader is reminded that, under the present Planning Act, an official plan is defined as

"1. (h) .... a program and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps describing such program and policy approved by the Minister from time to time as approved in this Act."

This definition is obviously broad enough to accommodate a whole variety of plans, a document providing a crude distribution of land uses lies within it, as does a sophisticated instrument containing a plan and program with economic and social as well as the usual physical dimensions and components.

It is thought that the definition should be amended to make specific reference to social and economic content, as a means of encouraging advances in these spheres in conjunction with the physical side which has dominated municipal planning for the past quarter century. Anticipating the possible application of new systems analysis techniques, reference should also be made to the integration of physical, social and economic planning with municipal budgeting.

Furthermore, custom and many other parts of the Act, although not the legislative definition, assume or imply that the central purpose of municipal planning is the accommodation of urban growth. This lags behind the growing professional and public recognition that it is the management and accommodation of *urban and rural change* and not merely *urban growth* which is the central problem.

New dimensions to the municipal planning process are so patently necessary and important for the future that it is felt that clear legislative direction is warranted.

There is now widespread recognition throughout the larger municipalities in Ontario and elsewhere that the problem of change can be confronted at the local level by a set of plans, each with specialized functions, rather than by a single omnibus document. As early as 1957, the

The holdout.

Scarborough Official Plan envisaged a series of plans, each a successively more detailed step in the planning process, not all of which were to require ministerial approval. The so-called "secondary plans," first employed in Scarborough, are now in wide use, and a new departure is being tried in Windsor, where such plans are not to require ministerial approval. The City of Toronto has moved to a two-level system of plans comprising a "Structure Plan" (or Part I Plan) covering the entire city, and "District Plans" (or Part II Plans) covering sections of the city in more detail, but within the frame of the overall plan. Etobicoke and North York are completing a series of District Plans within the context of the Metropolitan Plan, having evidently abandoned (mercifully) the notion of overall plans for each Borough.

It is recommended that the Planning Act be amended to recognize and define three levels of plans, corresponding in descending hierarchy to the limits of provincial interest, regional interest, and local interest. Specifically, the three levels of plans should include:

Provincial Plan(s)
(i.e., a provincially prepared structure plan or plans for the five provincial planning regions).

Municipal Structure Plans
(i.e., equivalent to the overall official plans, or the so-called primary, Part I, or policy plans, prepared for the regional municipalities).

Municipal District Plans
(i.e., equivalent to the Part II guidelines or secondary plans, prepared for parts of large unitary municipalities or for all or parts of lower-tier municipalities in two-level circumstances).

The Planning Act should specify that district plans must conform to structure plans, and structure plans must conform to provincial plans. It is suggested that the term "Official Plan" be retired along with the notion of a single level of plan.

The statutory definition of the municipal structure plan should make clear that the plan will be concerned with the identification of issues, expressions of goals, and elaborations of strategies to achieve macro-environmental objectives. In addition to land uses, the plan content should include transportation, servicing, housing, economic, and social components. The plan should show a sequence of municipal actions to cope with development, change, and preservation, and should constitute the municipality's commitment to those actions.

Municipal structure plans and amendments should require the Minister's approval, since they will embrace matters of provincial as well as municipal concern. However, a provincially approved municipal structure plan should be binding on the Province as well as the municipality until amended by due process. Conversely, the Minister should be empowered to initiate such amendments.

The Planning Act should require that municipal structure plans set out a framework for district plans, and require that district plans be prepared parallel with the sequence of action outlined in the structure plan. While the district plan contents should include the same components as structure plans, the legislative definition should make clear that the focus is on micro-environmental issues.

District plans should require only the approval of the municipal council (including the upper-tier council in a two-level situation), and the provisions of approved district plans should be binding on municipal councils at both levels as well as on all local boards and commissions.

Where an amendment to a district plan is such that an amendment to the structure plan is necessary, the approval of the district plan amendment should not in itself be deemed to constitute an amendment to the structure plan. Although there is no reason why, in the interests of efficiency, the two could not be processed virtually concurrently, the two would have to be dealt with separately, and the structure plan amendment would necessarily precede, since it would require ministerial approval.

For administrative simplicity, and public comprehension generally, The Planning Act should recognize and accord official status to these three levels of plans, and these three only. Thus, for example, given an approved Metro Toronto Structure Plan, and the three approved District Plans (Nos. 7, 8 and 9) in Etobicoke, there is no need for an Etobicoke Structure Plan as well, and none should be recognized in an official sense in The Planning Act. In other words, documents like the present overall Etobicoke Official Plan should be repealed when the Metro Structure Plan and the Etobicoke District Plans have achieved a proper footing.

This will not, of course, preclude a lower-tier municipality which embraces more than one district plan from com-

bining several or all within its boundaries for any municipal planning purposes or processes. Similarly, any municipality may choose to divide district plans into parts (e.g., 9A, 9B, 9C, etc., in Etobicoke, or Steeles, L'Amoureaux, Tam O'Shanter, etc. in Scarborough) for convenience in initiating and implementing local action plans of various kinds (sometimes called "tertiary plans"). The point is that no such divisions or combinations should be given the kind of status which might add to the series of steps necessary in any formal amendment process.

In addition to these legislative changes, there are a number of provincial policies with respect to municipal plans which should be communicated to municipalities, preferably in the *Municipal Plans Manual* (now in preparation) for issue as a ministerial circular.

First, in recognition of the continuous change in the values, tastes and technology of contemporary society, municipal plans should be aimed toward five- and ten-year objectives, instead of the fifteen- to twenty-year periods traditional in plan preparation.

Second, so that readers will not be misled, municipal plans should eschew objectives which are beyond the municipality's powers or means to achieve, however lofty or pious such objectives may appear in print. In particular, plans should avoid assertions that private sector actors will be "encouraged" in various motherhood-type directions unless it can be stated in specific language just how this will be accomplished.

Third, it should be made clear that, although a number of physical, social and economic objectives are part of a municipal plan, some manifestation of every one of those objectives need not be found in each public or private action which occurs.

Fourth, although municipal budgets need not be a part of a formal plan, supporting data should be available to show that the financial validity of the proposals has been tested, by weighing estimated capital and operating costs against anticipated revenues over the period covered by the plan.

Fifth, guidelines as to the use of powers additional to those assigned to the municipality under The Planning Act should be included in municipal plans, particularly with respect to the social and economic objectives contained therein.

Sixth, amendment applications within areas of stability designated on muncipal structure plans should be entertained only in exceptional circumstances between comprehensive plan reviews.

Finally, in elaborating on the content and form of municipal plans of various kinds, provincial policy must pursue the elusive balance between specifics (in order to provide clear guidelines) and generalities (in order to safeguard flexibility in administration). The employment of municipal plans, either structure plans or district plans, as development control devices, through the uses of narrow land-use category definitions, rigid interpretations, etc., should be expressly forbidden.

c) Municipal Plan Implementation

Having suggested changes to The Planning Act dealing with municipal plan makers and municipal plans, attention can now be directed toward recommendations with respect to subdivision control, zoning and zoning adjustments, renewal programs, plus a number of new powers whereby municipal plans can be implemented under The Planning Act.

Before dealing specifically with each of these, five matters of concern to all should be touched on: application fees, notice of applications, the approving body, machinery for appeal of decisions, and annual reports. Rectifying the present vagaries as to notice, and new avenues of appeal of decisions, will be the subjects of later chapters. For reasons discussed below under the heading of "Vertical Jurisdictions," where certain criteria as to planning capability have been met, the municipal council is recommended as the deciding body in all matters save for amendments to municipal structure plans, in which instance the necessity of ministerial approval should be retained.

Although provincial withdrawal from day-to-day involvement in municipal planning is one of the consistent themes underlying the recommendations contained herein, this should not imply provincial abandonment of any concern for the workings of the system or its results. It is recommended elsewhere that the Minister be empowered to issue regulations pursuant to the Act, and these should include a requirement that municipal councils (and secretaries of planning boards as long as they exist) file annual reports (along the same lines as the municipal clerks' annual returns) including, among other things, the number of applications of various kinds submitted and approved, consents granted, plans

registered, etc. These reports would be two-fold in purpose; for provincial planning and statistical use, and for monitoring the municipal planning process.

This leaves the matter of application fees which, curiously enough, are fixed by statute only for committee of adjustment applications. For the rest, municipalities have been left to their own discretion, with the result that a wide variety of fee schedules is in use. Most charges are reasonable, intended to offset to some degree the municipality's processing costs, and at the same time to discourage frivolous submissions. Good judgment in such things is seldom universal, however, as evidenced by the example of Markham's inability to distinguish between freedom and license in the matter of subdivision application fees.

It is recommended that, after a survey of the various municipal planning fee schedules in use throughout the province, the Minister should pronounce a maximum fee schedule covering applications of all kinds under The Planning Act. It seems unnecessary that this should be contained in the Act itself, and might better be set out in a ministerial circular.

d) Subdivision Administration

Section I of this Review described a number of persistent problems with respect to consents (or land severances) and plans of subdivision.

It is recommended that Section 29 of The Planning Act be amended to restore consent administration to the mainstream of municipal planning and processing. The object is the administration of consents in the same way as subdivision plans, within policy lines stated in the municipal structure plans. Circulation of applications for technical review should be limited to the municipal level, except where a senior level interest is obviously affected.

Approvals should be granted by the municipal council (or joint planning boards as long as is necessary) and not by committees of adjustment. County land division committees are regarded as an extension of an idea which was not well founded in the first place, and it is recommended that they be phased out.

It is not suggested that this step will remove or even improve the problem of bad decisions which so frequently characterize the administration of consents by any body. The purpose is to place the decision closest to the body most involved in the planning process, and most accountable for the results.

Ministerial review of each consent should be replaced by perusal of the municipalities' annual reports and a continuing sampling process by provincial staff. The Act should empower the Minister to relieve municipal councils of their authority over consents wherever consistent contravention of the consent policies enunciated in the municipal structure plan is apparent, irrespective of whether such contraventions appear to be deliberate or unwitting.

The second really fundamental problem which plagues subdivision administration is the entrepreneurial zeal which continually inspires new devices or systems to beat the terms of the legislation. It should be plain by now that The Planning Act is not the place to thwart these efforts, since corrective amendments are inevitably in response to, rather than in anticipation of, the latest conveyancing gimmicks.

What is necessary is a series of amendments to the acts which govern the registration of land in Ontario (The Land Titles Act, The Registry Act, The Certification of Titles Act) requiring, after a certain date, the registration of any newly created deed, long-term lease, etc., and requiring that any such deed or lease to bear the approval stamp of the appropriate consent administering body. Subsequent changes in ownership, including off-record transactions, would not, of course, have to be registered. This would end the machinations once and for all. It is understood that Alberta has required this for years.

Part I also pointed out the need for improvements in the administration of plans of subdivision. In the main, these require changes in provincial and municipal policies and practices, rather than amendments to The Planning Act. Simply stated, and without repeating all of the arguments, the latter includes only:
– empowering the Minister to designate municipalities where subdivision applications will be made to, approvals will be granted by, and conditions will be set by, the municipal council;
– empowering municipalities to require park dedications in amounts related to the population to be housed in the development, or equivalent value in lieu;
– empowering municipalities to require payment of cash in lieu of a road widening (to facilitate taking all the necessary widening off the other side in order to preserve a line of trees, etc.);
– adding to the list of information to be submitted with a draft plan approval application, a description of the vege-

tation, and the location of significant trees outside of woodlots.

Tempting as it might be to simply select as a universal standard one of the acres/population ratios now used in some municipalities, this review recommends instead that a study be undertaken to determine the propriety and feasibility of a more flexible standard, one which will take into account urban and rural conditions, population densities, private open space and facilities available and accessible, and all of the other factors which bear on the need for parklands at any particular location.

Much more in the way of changes to procedures and practices appear to be desirable, in order to improve the quality of the community designs, hasten the approval process, and rationalize the financial and servicing requirements contained in subdivision agreements.

The establishment of larger municipalities with better-trained planning staffs, and the increasing availability of secondary plans and contour maps are significant municipal trends which are encouraging for better civic design. On the private side, the emergence of the very large land development companies with longer term concern for and commitment to a project area is resulting in a much greater care in the preparation of subdivision plan applications. It is thought that the Province might lend support to the improvement of community design in two important ways:
– By completing the *Subdivision Design Manual,* which has been in process of preparation for the past six years. Initial dissemination of the work to municipal planning bodies should be via a series of workshops on subdivision design convened by the Subdivision Section of the Plans Administration Branch, utilizing the talents of the Design Section, plus visiting critics if necessary, with the emphasis on visual aids and specific examples from contemporary applications illustrating what is good and what is poor, how improvements can be made, yields increased, servicing costs cut, etc. This workshop series should be mounted as a serious and sustained effort, and should attempt to attract developers, builders, consulting planners, architects, engineers, surveyors, officers of lending institutions, lawyers in development work, citizens' groups, and university and community college planning schools, as well as municipal councillors, planning board members (where they continue) and municipal planning and engineering staffs;
– Providing, through the Plans Administration Branch, a number of scholarships for graduates from the design disciplines (architecture, landscape architecture, and civil engineering) to encourage post graduate study in planning programs with suitable civic design content. (The land development industry – through the UDI – might be invited to consider the same action.)

Lodging the approval of subdivisions with municipal councils, in lieu of the Minister, will shorten the subdivision processing time somewhat, as will the further delegation (effectively) of the provincial approval process to the PAB field offices (as is now done in Thunder Bay), some of which will, of course, be necessary until all municipal governments have attained an appropriate level of planning capability.

It will be recalled from the analysis in Part I that the length of time required to process a subdivision plan stems chiefly from four causes:
– the fact that many subdivision applications also involve amendments to official plans or zoning bylaws or both;
– slow responses from the municipal and provincial departments, boards and commissions which are canvassed for comment in the circulation process;
– deliberate stalling by public bodies seeking to delay a development for one reason or another, or to squeeze the applicant into agreeing to conditions not otherwise obtainable;
– many applications being totally premature in terms of the municipality's development sequence, and undeserving of any consideration, let alone prompt attention.

Further in these pages, procedural changes will be recommended dealing with notice of applications for and hearings on subdivision plans, intended to ensure that all persons affected by the process will be afforded adequate opportunity to participate in it. Without the slightest doubt, these will add to the time required to process most, if not all subdivision plans, but the conviction is strong that this cost should and must be borne in order to rectify a serious deficiency in the present system.

With this consequence unhappily in mind, it seems all the more essential that the problem of time be faced squarely, and that stringent measures be initiated to reduce the delays so prevalent at other points in the application process. Accordingly, it is recommended that the following procedures be set down in a ministerial regulation issued pursuant to The Planning Act:

– Where a subdivision application involves an amendment to a district plan or to a zoning bylaw or both, all of the applications must be dealt with concurrently, and at the same set of hearings. (Where an amendment to a municipal structure plan is involved, it will continue to be

necessary to deal with this first and separately, since ministerial approval will be required.)

– Where a subdivision application falls within an area designated for current development in a municipal structure plan (or, pending the existence of a plan of that calibre, in an actively developing area of a municipality) the process should follow a timeable along these lines:
Within 14 days
– Notice of receipt to applicant.
– Notice to persons affected.
– Circulation to municipal and provincial agencies affected.
Within three more months
– Return of all departmental comments.
Within one more month
– Public hearing before council.
Within two more months
– Decision by council one way or another.

The Plans Administration Branch should continue to co-ordinate the comments of all provincial agencies even though the system is changed so that final approval is granted by the municipality. All persons to whom notice of the application was sent, the Plans Administration Branch, and all special agencies circulated would receive notice of the council's decision and should be free to give notice of appeal within a 30-day period. New avenues of appeal are discussed in a subsequent chapter.

Whatever precise division points are decided upon, the objective should be draft approvals in active development areas within six months. The above timetable presumes the delegation of the approval powers by the Minister to the municipal council. The whole concept also presumes a fair degree of administrative capability in the municipality, but most subdivision development (other than cottage subdivisions) takes place in reasonably capable municipalities, or in areas high on the government's priority list for municipal reorganization. In municipalities where sufficient administrative machinery continues to be lacking, there is no real alternative to the present system, wherein the Subdivision Section of the Plans Administration Branch undertakes the municipality's review functions.

A timetable for draft plan approvals is practical only if staff is made available, especially in the agencies called upon for comments. Those who do not reply on time should be ignored, and missing a deadline should not be accepted (except in unusual circumstances) as a valid reason for later appeal. An application may be withdrawn at any time, of course, but if the applicant merely stalls, the process should simply grind on without him. Deferral beyond the six-month deadline should only be possible where both the applicant and the municipality agree.

If the municipality fails to act within the time limit, the application should automatically revert to the Minister who (following an enquiry by an inspector, as described above) should be required to decide within a further three months subject to his own set of conditions. The Minister's decision would not, of course, be subject to appeal.

The Minister should be empowered to relieve continually tardy municipalities of their subdivision approval powers.

With the public sector under the gun in the draft approval stage, the private sector should be willing to show equal alacrity in the registration phase, where the initiative rests mainly with the applicant. It is recommended that the timetable from the date of draft approval should follow along these lines:
Within four months
– First submission of engineering plans for initial stage to be developed.
Within two more months
– Approval of engineering plans.
Within two more months
– Signing of the subdivision agreement.

Where a municipality fails to approve engineering plans within the deadline, the applicant should be free to appeal to the Minister for an award for costs. (Of course, where the delay had been occasioned by inept engineering in the submission, the appeal would be difficult to sustain.) The new appeal procedures would also continue to include appeals against conditions imposed in subdivision agreements.

A standard condition of all subdivision agreements should call for registration of the plan for the lands covered by the agreement within a further four months, i.e., a total of twelve months from receipt of draft approval. Unless the municipality has agreed to extend the deadline, a developer's failure to meet it should result in a lapse of the agreement.

Such a schedule will put considerable pressure on the developer and his agents, but they are the ones who inveigh most strenuously against delay. The tight deadline should encourage applicants to be better prepared in their submissions. It should also help to weed out the less competent developers and consultants, and may

discourage the practice of securing a draft approval simply to enhance the price of a property which is to be peddled.

Will this uncharacteristic pace result in poorer plans? After all, much has been said in this review about the need to improve quality of community design. On some occasions, perhaps, but these should be rare. More care in preparing an application which must withstand a stiff test of time (or be rejected) is certain to result. Besides, the mere passage of time should not be equated with thorough review. When an application sits on someone's over-loaded desk for four weeks, it is not being carefully considered during that period. In the end, it will get only the one or two days' attention it requires. An application which misses an agenda merely sits in the file until the next meeting, it does not improve in the interval. The purpose of the schedule is to cut out such unproductive consumption. It will continue to be the general rule that poorer plans, where they occur, are the result of deficient capabilities among the actors in the process, not of the time they take.

It is the firm belief here that, despite the obvious difficulties in its initiation, a time schedule should be tried as a part of the subdivision approval process. For twenty-five years, nothing important has been done to speed its workings, and in consequence the process has gradually become more and more extended. Now, with the prospect of intensified involvement by new participants, continued apathy toward the vital problem of time should no longer be tolerated by the government. At the same time, it must be re-emphasized that without recognition of, and action on, the numbers of staff which will be required at both levels, the institution of a schedule along the lines outlined above can only end in fiasco.

In Part I of this review, mention was made of a comprehensive study currently underway concerning subdivision agreement provisions and engineering standards in use throughout Ontario. Hopefully, that study will form the basis of a policy statement, in the form of a regulation issued pursuant to the Act, with the following features:

– A basic list of services and conditions for urban and for rural and resort rural municipalities, which the Minister will require whenever subdivisions plans are referred to him by reason of municipal failure to act, or on appeal. The engineering standards that will be applied should be attached.

– Although either regional or local municipalities should be empowered to require subdivision agreements in two-tier situations, only one should be permitted on any one property. As a general rule, subdivision agreements should be administered as locally as municipal engineering capability permits. However, the conditions of subdivision agreements, engineering standards and levies should have to be consistent within any regional or metropolitan municipality, whether single- or double-tier.

– Levies should be permitted only for works actually specified in a subdivision agreement, and these works should be directly related to the development in some readily discernible way. Levies for "general purposes" should be specifically forbidden.

– Provincial standards should also be set for public and separate school site sizes for schools at various levels, replacing the vagaries of the present situation.

Reducing delays, and placing limitations on unwarranted requirements will contribute significantly to the lowering of costs for serviced land for all purposes. Such an objective would seem to be incontestably worthwhile. Nevertheless, the steps recommended here are not likely to attract support in many influential quarters. Among the municipally elected and appointed, the perplexing notion persists that "higher standards," however needless they may be, are somehow a mark of distinction and a sign of good government.

e) Development Control

Development often occurs in situations where the land will not be subdivided either for financing or marketing purposes. This is in fact usually the case in central cities where, if anything, land is assembled rather than divided for development. There, the system of subdivision control is immaterial. The Planning Act 1946 made no reference to the control of development in these circumstances. Municipalities were left to regulate it by exercising their power to enact restricted area (or zoning) bylaws. In hindsight, it is somewhat surprising that in 1946, when the power to control land subdivision was being improved, the opportunity was not taken to establish a comprehensive system of development control.

Release from subdivision control requires a case-by-case consideration of the application in respect of a particular parcel of land, by the Minister and those whom he consults. A land subdivision caught by the control mechanism cannot take place until it has been officially approved. In theory, zoning bylaws should establish regulations and standards for substantial zones or districts, to be self-applying in the sense that the affected

owner may perform any activity or undertake any development on his land which is in conformity with the bylaw. Official approval of his proposed activity or development, if permitted by the zoning bylaw, is not required as a condition precedent, although of course, ordinarily he will require a building permit officially approving his proposed scheme for building code purposes.

In theory, then, there is a sharp difference between the individualized approval of a plan of subdivision as a control requirement, and a regulatory zoning bylaw. In practice, of course, zoning is widely used to achieve individualized development control in various ingenious ways. Whatever technique is used, the necessary first step is to effect at least a partial freeze on development decisions by landowners, and to require them to apply for official approval of their development as a condition precedent to undertaking it. Approval is granted at least in part by the exercise of the zoning power.

The legal and practical defects associated with each of the techniques to utilize zoning to achieve development control have been discussed in Part I. Most important, however, is the fact that the utilization of zoning as a development control device is not generally understood by the public. If a zoning bylaw is enacted or left in place to promote applications for amendments to it prior to development occurring in order to achieve development control, it may be understood by the municipal council, its advisors, and by the land developers and their advisors, but it is unlikely that the general public will comprehend. Such a bylaw clearly is a misleading instrument to the public; it does not mean what it appears to say. For this reason, public confidence in the process has been seriously eroded and unnecessary confrontations between the public, developers and municipal councils actually have been promoted by the process.

It is against this background that several municipalities have sought and received private legislation strengthening their powers in this regard, and the late Professor J.B. Milner's studies of development control for the Ontario Law Reform Commission were undertaken. In its resultant *Report on Development Control* the Ontario Law Reform Commission recommended that a thorough interdisciplinary review of the entire planning process be undertaken and that "no third level of development control should be introduced into the existing legislation until such time as the review has been completed, and . . . only if then found desirable." As an interim measure the Commission recommended the enactment of amendments to The Planning Act to increase the powers of municipalities designated by the Minister to individualize development decisions.

In fact, the legislative amendments proposed would make available to designated municipalities powers analogous to those available to the municipalities in respect of which private legislation has already been enacted. Some, but not all, of the defects or limitations of zoning used to achieve development control would be removed. For example, agreements between the municipality and developer dealing with such matters as landscaping would be made valid and, if registered, binding on successors in title. Further, the site plan approval procedure would be validated as far as approval of plans showing the location of the buildings, structures and *inter alia* fencing, trees, and garbage storage are concerned. On the other hand, the proposed amendments do not speak to the question of architectural control or servicing requirements generally.

They appear to be less than satisfactory in other respects as well. First, there is no statutory requirement that a designated municipality must make development control decisions within the context of a formalized municipal plan which establishes a framework within which and criteria against which, decisions are to be made. Secondly, the proposals envision that bylaws enacted pursuant to the proposed development control powers would have to be approved by the Ontario Municipal Board. The Commission's proposals further suggest that an owner aggrieved by a municipal decision on site plan approval should be given a right of appeal to the Ontario Municipal Board.

It is recommended here that new development control powers be exercisable by designated municipalities only in respect of land within an "area of change" (as opposed to an "area of stability") which has been defined in a municipal structure plan and which articulates the criteria against which individual decisions are to be made. Ministerial regulations should ensure that the latter includes the basic land use pattern and the maximum population and employment densities, and should also make it clear that development incentives (i.e., "bonus" densities) should not exceed these maximums in aggregate.

Second, the Commission proposes that the designated municipalities exercise the proposed development control powers by bylaws which follow the same route as zoning bylaws (including OMB approval). The current Planning Act makes no provision for public participation in the zoning process prior to the enactment of a bylaw and an application for Ontario Municipal Board approval. Although there is some judicial authority to the effect that where an amendment to a zoning bylaw is involved, a hearing must be held by the municipal council before the

bylaw is enacted, if it is to be valid,[101] there is no statutory requirement in Ontario. Although most municipalities do hold such hearings, it is not impossible that the first notice received by an affected owner is that which announces council's intention to apply for OMB approval of a bylaw already passed by council. Judicial development apart, the silence of Section 35 of The Planning Act on the question of public participation in the municipal zoning decisional process is obviously unsatisfactory. The Commission's proposed development control provisions would significantly extend the environmental management powers of municipalities. It seems obvious that appropriate protective procedures available to affected persons should be built into the legislation at the same time.

Finally, and most significantly, the Commission's proposed legislation does not establish clear machinery to be utilized by designated municipalities desiring to exercise the proposed new powers. Any system of individualized development control requires a freezing of the owner's right to take development decisions without official approval. Under the legislation proposed by the Commission, designated municipalities are left to establish the freeze by the enactment of a suitable zoning bylaw (for example, establishing holding zones) or by the retention of obsolete zoning bylaws. In other words, the proposed legislation, in failing to establish a clear technique for imposing a freeze, would simply continue the unfortunate situation that now exists, with the consequences referred to above.

The management of urban and rural change rather than growth, it has been suggested, will remain a major problem for municipal planning in the seventies. It is essential to the public interest that fair, effective and economical techniques of regulating private decision-making be made available to municipalities. It is therefore recommended that, in municipalities designated by the Minister, a new comprehensive system of development control should be made available for use in areas defined in a proper municipal structure plan as areas of growth or change. Appropriate models can be found both in Great Britain[102] and in Manitoba.[103]

It is recommended that the development control powers replace zoning (S.35) and site plan agreements in areas of growth and change. While it is true that development control might also be utilized to replace subdivision control (ss. 29 and 33), it is felt that the latter should be retained in use, at least for the time being, until the administrative procedures for development control have been perfected.

It will be understood that the introduction of the new development control power will not obviate the need for zoning or for site plan agreements. Both will continue to be required in areas of stability. They will also be necessary in municipalities which, because of their administrative limitations or the inadequacies of their plans, will not be designated by the Minister as eligible to exercise the new development control power.

In development control areas, the municipal council should be empowered to impose a statutory freeze on all development, which could be undertaken thereafter only upon the granting of development permission by council, and then only in accordance with an approved district plan. The permission could be conditional or unconditional, and of limited or unlimited duration. Development should be broadly defined to include not only constructive and material change in the use of property, but also the demolition of buildings and structures, the alteration of natural features, and the removal of trees. Further, it should also include the establishment and the operation of pits and quarries. It follows that, where a municipality is designated for the exercise of development control, it should assume the administration of The Pits and Quarries Control Act 1971. Over time, the provincial Division of Mines will thus be phased out of a field which is of such paramount municipal concern.

The new legislation should provide for public participation at all points in the process. In granting development permissions, councils should be empowered to attach conditions with respect to building design and siting, points of access, signs, lighting, landscaping, parking, loading, as well as those which attach to subdivision plans (services, lot grading, levies, etc.) and subject to the same limitations as recommended above on the imposition of conditions to subdivision plan approvals. Appeals from council's decision, or against any conditions attached to a decision, or based on failure to comply with proper procedures should be heard by ministerial inspectors, as described above, and decided on by the Minister.

The process will undoubtedly be more efficient and yet at the same time fairer to all interested persons. Responsible municipal decision-making is a consistent theme in this review, and this will only be promoted by the removal of provincial control. Finally, and most important, the system would be simple and apparent to persons other than those familiar with it by experience. This should decrease the number of occasions on which counter-productive confrontations between members of the public, developers and municipal councils occur.

101. Wiswell vs. the Metropolitan Corporation of Greater Winnipeg (1965) S.C.R. 512 and Re Anzil Construction Ldt. and West Gwillimbury (1971) 2 O.R. 713.
102. The Town and Country Planning Act, 1972 Eliz. II, c.
103. The City of Winnipeg Act, S.M. 1971, c. 105, s. 623 et seq.

f) Zoning Administration

Zoning Bylaws The imperfections of zoning bylaws as development control devices in areas of change should not obscure the utility of zoning bylaws for land use protection in areas of stability. This was the task for which zoning was devised in the first place.

It is recommended that, along with other planning matters, zoning bylaws and amendments be approved by municipal councils without the need for confirmation of an overseeing agency. This point is discussed in some depth in the succeeding chapter. Zoning epitomizes local interest, and therefore in two-tier municipalities should be administered by the lower-tier municipalities wherever practicable.

For large urban units, there is much to commend Scarborough's system of community bylaws, tailored specifically to the needs and distinctions of each community, in place of a single omnibus document for the whole municipality. The latter kind are necessarily framed to meet more or less average conditions, and therefore give inadequate coverage in special circumstances, or contain so many exceptions as to be incomprehensible or misleading to the general reader.

Only three other major changes are recommended to Section 35 of The Planning Act, which deals with zoning bylaws:

Idyllic in the summer — but how to deal with the question of cottages being converted to all-weather use and permanent occupancy? Who provides the necessary services?

Even in areas of stability, amendments will sometimes be necessary, and the municipality should be empowered to attach conditions to such approvals, including agreements for services. Once again, similar limitations to those recommended above for subdivision plans should be placed on the council's abilities to attach conditions to zoning approvals. In addition, it is important to legalize a practice which has been and will continue to be widely used in municipalities until the new techniques of development control can be instituted widely during the years ahead.

Second, largely in response to growing winter sport attractions, many summer cottages are being built for or converted to all-weather use. This is all well and good, except that they then become saleable for permanent occupancy. Considering the resort municipalities' total unpreparedness to provide services and community facilities for all-year residents on such a scattered basis, winterized cottages represent a potential urban sprawl problem of staggering proportions. In order to protect intensively developed resort areas where full municipal

services are not available, municipalities should be empowered to regulate duration of occupancy in areas designated in a municipal structure plan for seasonal or intermittent use if necessary. It will be understood that such bylaw would not prevent intermittent occupancy in *any* season, but would prevent permanent occupancy through all seasons. The Province should initiate a study of the best means of achieving this. Since the exercise of such power will immediately invite the difficult problem of enforcement, parallel consideration should also be directed toward that side of the question as well.

Third, in the past when official plans have been adopted and approved, existing zoning bylaws frequently remain intact for many years, even though they do not conform to the new municipal plan. This is because Section 19 of the Act which provides that ". . . no bylaw (be) passed that does not conform to an official plan" is not retroactive in its effect. Except in the recent legislation for regional municipalities, there is nothing to require existing bylaws to be brought into conformity with a municipal plan once it is approved.

This is considered to be a serious omission. A typical case in point is the former Rouge Hills Golf Course property in Pickering Township. Designated "private open space" in the municipality's official plan, the land still carries its residential zoning from earlier times. In the painful process of resolving contradictions such as this which have endured for lengthy periods, it seems unlikely that much credit will reflect on the municipal planning process in the public eye. It is therefore recommended that, where municipal plans are made mandatory, the legislation should also require that all zoning bylaws be brought into conformity within a specified period of time.

Variances In Part I, the administration of minor variances by committees of adjustment was found to be working well. Although it is recommended that municipal council members be made eligible to sit on committees of adjustment, it is not proposed that the powers of committees over variances be transferred to municipal councils. Is this inconsistent with the general theme of this review? It is indeed. However, variances are so peripheral to the main planning issues, the council should be able to assign this function to a competent body which employs fair and well established procedures.

Building Bylaws This review looks to the results of the provincial study on a uniform building code for improvements in this specialized field. For planning purposes the concern is, of course, for consistency, at least throughout regional or metropolitan municipalities.

Site Plan Agreements Site plan agreements have long been used by municipalities as an extension of the zoning power. As discussed in Part I, their purpose is to achieve certain qualitative controls not permitted under zoning enabling legislation, and to do so in an individualized way, and at a time just prior to the actual development taking place when all the facts are known.

Although the new development control power will eliminate the need for site plan agreements in parts of many municipalities, they will still be useful wherever zoning continues to be used, that is to say, in stable areas where development control will not be applied, and in all parts of municipalities which are not deemed eligible for development control powers by the Minister for one reason or another.

In a practical sense, site plan agreements have worked exceedingly well. Standards can be flexibly applied, attuned to the special characteristics of the site, the development proposed, and its relationship to its neighbours. Administration is swift. By these measurements, site plan agreements are vastly superior to site plan bylaws. On the other hand, site plan agreements lack two of the virtues of site plan bylaws, namely; legality, and formalized procedures as to notice. These might even be described as important.

Site plan agreements are of dubious legal effect between the immediate parties to it, and in any event are not legally enforceable against successors in title of the original contracting parties.[104] Nevertheless, because a site plan agreement constitutes a shadow or a cloud on title, as a practical matter mortgage lenders will insist on compliance with it before advancing building funds. This procedure, then, has a kind of extra-legal effect. In fact, in municipalities where site plan agreements have been in use for many years, unwitting builders frequently make application for site plan approval on properties where no site plan agreement has ever been made. In most such cases, it can be noted, veteran municipal officials smoothly go through the whole process, revising the plans, collecting park levies and sewer charges, taking road widenings, etc., without batting an eye.

Where the site plan agreement procedure is utilized, the decision to enact the amending zoning bylaw is in effect a decision to approve the proposed development in principle. Final approval is reflected in the site plan approval given when the full details of the development are known to the actual developer. Frequently, the applicant for site plan approval is a successor of the

104. One Twenty-Five Varsity Road Ltd. vs. Township of York, (1960) 23 D.L.R. (2d) 465.

original applicant for the amendment and yet ordinarily will follow the procedure.

In addition to the legal defects of the site plan agreement procedure referred to above, it is less than satisfactory for other reasons which stem from the fact that it is entirely extra-legal. An aggrieved applicant for site plan approval has available to him as a recourse, an application for a mandatory order of the court compelling the issue of a building permit notwithstanding the site plan agreement. However, as a practical remedy, a court action is really only useful in the case of an outright refusal by the municipality. For anything else, e.g., a design change, an unreasonable condition attached to the approval, time is usually more important, and the applicant simply capitulates.

Further, the body granting site plan approval may do so on an *ad hoc* basis. Since site plan approval proceedings are extra-statutory, there is no requirement for public participation in the process, despite its critical micro-environmental significance.

It seems evident that changes to The Planning Act are in order so that proper legal status and procedural trappings will attach to an excellent planning tool. It is therefore recommended that The Planning Act be amended to authorize municipalities to enter into site plan agreements, in form suitable for registration on title to the property, and empowering municipalities to require site plan agreements as a condition to the approval of planning applications of various kinds. To avoid a lot of grief, it might be prudent at the same time, to deem that municipalities have always had these powers, as was done when subdivision agreements were legalized fifteen years ago.

g) Renewal

The analysis of municipal renewal activity in Part I identified a number of deficiencies in a program which, during its vigorous period in the middle Sixties, demonstrated its potential for effecting remarkable improvement to the physical fabric of a community. The deficiencies lay mainly in the policies and procedures utilized in applying the legislation, but there was one important aspect where amendment to The Planning Act was clearly desirable.

Many writers and speakers have already made the point that the word "renewal" should replace the word "redevelopment" wherever reference is made to the total process in Sections 22 and 24 of The Planning Act. Although, strictly speaking, the present wording does not inhibit municipal activity in rehabilitation and conservation, the implied emphasis on redevelopment as the means to the end is clearly out of step with the lessons of the past and the attitudes of today.

For three years, provincial policy with respect to renewal has sat in limbo while the federal government ruminated over its future position. Ontario's apparent willingness to be led may be lamentable to independent spirits, but it must be acknowledged as the only practical course by those responsible for matching needs with resources in a program which is very demanding of the public purse.

In any event, the period of uncertainty has ended. In June 1972 Hon. Ronald Basford, Minister of State for Urban Affairs, announced the long-awaited amendments to The National Housing Act which revealed the new direction of federal commitment in the field of urban renewal and housing. These amendments were concerned with four main areas:
– preserving and rehabilitating the low and middle income housing stock in the older areas of inner cities;
– extending the availability of home ownership to a greater number of lower income families, through low-interest, long-term mortgages and grants to match similar provincial grants to home owners;
– developing a comprehensive land assembly program to reduce housing costs caused by speculation in land;
– broadening the housing research programs sponsored by CMHC.

In this chapter, this review is concerned with the program for inner city housing rehabilitation, which has these two major components:

The Neighbourhood Improvement Program (NIP) Bearing strong resemblances to current American legislation and programs (e.g., Neighbourhood Development Program and the special rehabilitation projects), the Neighbourhood Improvement Program replaces the former federal urban renewal activities. Funded at $80 million, it is to assist financing with grants up to 50 per cent of total costs (and loans covering up to 75 per cent of the remainder of the costs) for the preparation and implementation of plans for improvements to neighbourhoods, including land acquisition and clearance, and the provision of social and recreational facilities as well as the usual hard services.

The Residential Rehabilitation Assistance Program (RRAP) This is a program of forgivable loans to low income property owners in NIP areas for rehabilitating

property up to minimum standards. Initially, $4 million has been set aside for loans and $2 million for grants. The latter have a $4,000 maximum, and are based on income levels. Landlords in NIP areas are to be eligible only if prepared to sign a 15-year rent control agreement. Non-profit corporations and special groups (e.g., Indians) can obtain funds for improvements outside NIP areas.

The other shoe having been dropped, the Province and the municipalities must now determine what their respective courses should be. They must decide how to respond to the new federal initiatives, and what to do in those aspects of renewal which, although vacated by the federal government, still demand and merit attention.

In order to permit full municipal participation in the proposed Neighbourhood Improvement Programs, it is recommended that Section 22 of The Planning Act be amended to clearly authorize municipalities to assist in the provision of social and recreational services. Full participation in Residential Rehabilitation Assistance Programs would require an amendment to Section 22(8) which now limits municipal action to land held by the municipality, and it is recommended that this be enacted.

The amendments to the National Housing Act constitute a forthright statement of the federal intention to return to purely social objectives in its renewal activity. Following the American lead, the new emphasis is to be unmistakably on rehabilitation and spot clearance in lieu of large-scale redevelopment as practiced previously. Whether the 1972 amendments to the NHA represent all the federal government *should* do will undoubtedly be a matter of continuing public debate and federal-provincial negotiation, not only insofar as renewal is concerned, but in the whole field of housing. For the time being, those amendments apparently constitute all that the federal government *will* do.

Hopefully, Ontario and the other provinces will continue to press for wider federal support for renewal. However, after three years, it is urged that this Province stop waiting around and proceed at least with provincial-municipal programs based on the assumption that the current federal attitude may persist for some time. Specifically, it is recommended that:

First, comprehensive renewal studies (and reviews of earlier studies) be revived, with the Province filling in for the federal government in the equal-cost sharing formula with the municipalities. Provincial participation should be on the condition that the results will be incorporated as policies into the municipal structure plan.

The Province's comprehensive renewal studies manual should be re-edited, with a view to trimming studies down to a very tight focus on only those matters which experience has shown to be germaine in identifying areas for future renewal action ("schemes"), and outlining a general concept of action for each area and the sequence of action (or alternative sequences of action) for the first five years. In addition, renewal studies should contain a considered estimate of the financial resources which the municipality can assign to renewal work for five years, balanced against estimates of municipal cost for the renewal action proposed during that period.

Second, attention should be redirected to the central business districts identified as early priority areas in comprehensive renewal studies. Many of these died in the womb or were arrested in their earlier development stages in 1968. The downtowns constitute the major urban renewal problem in most of Ontario's urban centres, and they are too important to the social as well as the physical fabric of the cities and towns to be wholly ignored by public renewal action.

A special manual should be prepared setting out the participation requirements for central business district scheme preparation and implementation, as distinct from residential projects. Costs for downtown scheme preparation and implementation should be shared by the Province and the municipalities on a 50/50 basis (i.e., each would assume half of the 50 per cent formerly carried by the federal government). Municipalities should be invited to review schemes previously prepared with a view to re-scaling and re-scheduling the proposals in line with the resources available.

Third, attention should be directed toward rural and resort area renewal, and a special manual should be prepared for use in this important, but heretofore neglected area. The elimination of polluting uses, NIP programs in declining cottage communities, the removal of junk cars and machinery graveyards from farms, and the rehabilitation of abandoned pits exemplify renewal projects of concern outside the urban centres. In some projects, co-ordination with ARDA programs would seem to have merit.

Fourth, legislation establishing new regional municipalities should assign them full powers with respect to renewal.

Fifth, the experience of the past ten years has taught all levels of government a good deal about procedures in handling renewal studies and schemes. The first and most

important is that residential renewal is almost totally local in its impact and import. For better results, it appears that the planning and administration can and should be brought right down to the neighbourhood level, as Trefann so convincingly demonstrated. The contribution residents can make, and their rights to be heard and participate in neighbourhood scale projects are becoming universally recognized, and renewal procedures can now be expected to require resident involvement from the very beginning. Section 22 of The Planning Act, which at present contains no reference to public participation, should be amended to ensure that this will be so.

Although downtown urban renewal schemes are of much greater significance for the community as a whole, there is no less need for involvement by persons and groups directly affected, and it can be anticipated that revived provincial action in this field will be contingent upon such involvement. It can also be predicted that preliminary appraisals for such projects will have to devote greater care to identifying those who can and should find a useful place on the working committee.

Consistent with the theme of localized planning effort and decentralized administration, provincial and federal representatives can continue to retreat from active participation in the details of committee work. It is evident that they will require little urging from this review or from other quarters to do so, having recognized long ago that the build-up of municipal capability in the renewal field would free them for a supervisory role in the broadest sense, with concern only for progress, senior level interests where they are affected, and due regard for individuals' rights in the conduct of the project.

h) Co-ordinating Public Works

In Part I of this review, the chapter devoted to public works documented the steadily increasing regard for the municipal plan by agencies responsible for constructing public works at the municipal level, and widening use of municipal plans for co-ordinating the works programs of separate departments and commissions. Although progress in these respects has been greatest in the provision of the so-called "hard" services, it is reasonable to anticipate similar relationships evolving in the co-ordination of social services and in budgeting, provided, of course, that municipal plans are expanded in content to include social and economic objectives and financial testing.

At the local level, the most evident need is for a ministerial reminder to school boards that they are "local boards" for the purposes of The Planning Act, and are therefore required to conform to municipal plans in locating and sizing school buildings.

It is through public works undertaken by the senior levels that the most disruptive events occur, disruptive not only in the sense of sudden impact (e.g., Toronto Airport) but also in the uncertainty, and hence inactivity, which precedes the announcement of senior level projects (e.g., Central York Sewer Scheme) or policies with respect to projects (e.g., the federal stance on renewal, the provincial stance on urban freeways). It is almost trite to comment on how the municipal planning process is weakened in everyone's eyes by senior level actions without apparent regard for municipal plans.

Despite the widespread and continuing progress in provincial-municipal liaison, it is believed that municipalities are entitled to some statutory protection and assurance that provincial projects will be co-ordinated with municipal objectives as expressed in the municipal structure plan. If this really is a time when new energies are to be devoted to improving the municipal planning process, surely it is also important to reinforce the status of municipal plans. It is submitted that this can be demonstrated best and most convincingly by legislative acknowledgement that, given municipal structure plans of proper content which accommodate all known provincial interests, and which bear ministerial approval, the Province will act within the context of those plans, or will follow established processes in amending them.

Since the Minister will retain the final decision on any such amendments, is this not a little farcical? Yes, if it is thought that the existence of a municipal plan should thwart the implementation of considered provincial policies. But that is not, and of course could not be, the intention. Quite different objectives are in mind:

First, the amendment process will provide a useful forum for public discussion of the projects or policies to be instituted.

Second, where policies or projects are to be changed or terminated, the discussion process will place the government under some compulsion to be ready with specific alternatives to replace or, if appropriate, to compensate for what is being removed.

Third, such a provincial demonstration of respect for and confidence in the municipal planning process would be a powerful example to others, the general public (presently somewhat disenchanted), the municipalities (somewhat

disillusioned), and even the federal agencies (now more or less detached).

Federal level projects present quite another problem, and without any apparent solution in sight. It should be recognized that the steady evolution of effective channels of liaison in joint federal-provincial-municipal shared programs (e.g., renewal) will not automatically follow where totally federal-level interests are involved. After a year in operation, there is still insufficient evidence to judge how effective the new federal Ministry of State for Urban Affairs will be in co-ordinating federal projects with municipal plans, and reducing the untoward consequences for municipalities of unilateral federal actions.

The Welland Canal diversion illustrates the vulnerability of a municipality's position in the face of determined federal policy. The prospects however, are not all so disturbing, as witness the railroads' evident willingness to abide by municipal land use decisions in the redevelopment of surplus land, and their concern for environmental considerations in current rail relocation studies. Even in the Pickering Airport case, the decisions as to the general location, (and hence where and how the impact was to be felt at the local level) appears to have been as much provincial as it was federal. The disappointment there was not so much the disregard for the municipal plan (which was inevitable), but in the disregard for municipal involvement at any stage in the decision.

With respect to purely federal-level projects, it is submitted that the municipalities should be able to rely on technical and political support from the Province in coping with the environmental consequences. Where federal-provincial ventures entail substantial municipal impact, the municipalities affected should be able to count on the Province to ensure their consultation and involvement.

i) Recommendations Summarized

The following recommendations are made for amendments to The Planning Act, and to policies or regulations emanating from the Act.

Plan Making
– The plan-making function be assigned directly to the municipal council except where joint planning boards must continue to exist.
– The members of joint planning boards be drawn from constituent municipal councils, with ministerial approval of membership not required.
– Councils be permitted to over-ride joint planning board decisions (and those of other planning boards where they persist) by a simple majority.

Municipal Plans
– The municipal plan be maintained in its document form.
– The present policy of making municipal plans mandatory only where conditions conducive to good planning exist be continued. In these areas, periodic (five-year) comprehensive reviews also be made mandatory.
– The definition of municipal plans be expanded to include social and economic aspects, and to enable plans to be developed which focus on policies and strategies to accommodate the problems of change as well as growth.
– These three levels of plans be recognized and afforded legal status:
Provincial Plan(s) – for the Province as a whole or for the five provincial planning regions.
Municipal Structure Plans – equivalent to overall, Part 1, or policy plans.
Municipal District Plans – Equivalent to Part 2, or secondary plans.
– District plans be required to conform to structure plans and structure plans to provincial plans.

– The *Municipal Plans Manual*, when completed, be issued as a ministerial circular, including policies respecting:
The appropriate time period for municipal objectives (five-ten years).
The nature and feasibility of municipal objectives which might reasonably be stated in municipal plans.
The financial and administrative methods for plan implementation.
The flexibility and stability of the plan, and the generality and specificity of the plan.

Municipal Plan Implementation
– Where certain criteria as to planning capability have been met, the appropriate municipal council (either regional or local) be the deciding body on all planning matters, except on municipal structure plans and amendments, decisions on which will be retained by the Minister.
– A maximum fee schedule covering applications of all kinds under The Planning Act be set by the Minister.

Consents
– Section 29 of The Planning Act be amended to assign consent administration to the municipal councils, and requiring administration within policy lines stated in the municipal structure plan.

– At his discretion, the Minister be empowered to relieve municipal councils of authority over consents.
– The acts governing the registration of land in Ontario be amended to prohibit the registration of any new deed, long-term lease or mortgage, etc., which does not bear the approval stamp of the appropriate consent administering body.

Plans of Subdivision
– Section 33 of The Planning Act be amended to:
Permit the Minister to designate municipalities where council will deal with all aspects of subdivision approvals.
Require information with respect to tree cover to accompany applications for draft plan approval.
Permit municipalities to require park dedication related to population, based on a flexible scale according to varying circumstances.
Permit municipalities to require cash in lieu of road widenings.

– Improvements in community design be fostered by:
Completing the *Subdivision Design Manual.*
Holding subdivision design workshops.
Providing scholarships for post-graduate study in civic design programs.
– In order to speed up the subdivision approval process, the following procedures be established in a ministerial regulation issued pursuant to the Act:
Where a subdivision application involves parallel applications to amend a district plan or a zoning bylaw, or both, all must be dealt with concurrently, and considered at the same set of public hearings.
Subdivision applications must be processed in accordance with a time schedule not exceeding six months for draft approval, and a further twelve months for registration.

– In order to ensure that subdivision agreement provisions and engineering standards are reasonable and consistent, the following provincial requirements and policies be set down in a ministerial regulation pursuant to the Act:
A list of services and conditions for urban, and rural and resort rural municipalities which the Minister will require when he considers subdivision applications.
That subdivision agreements be administered as locally as possible, but that the terms of such agreements be consistent within regional municipalities.
That levies be permitted only for works specified in subdivision agreements and not for "general purposes".
Provincial standards for school site sizes for all levels of public and separate schools.

The Condominium Act be amended to permit the Minister to delegate approval powers to municipalities.

Development Control
– The Planning Act be amended to enable the Minister at his discretion to empower municipalities to exercise a new "development control" power in areas designated for growth or change in a proper municipal structure plan, and within the framework of policies laid down in an approved district plan.
– The development control power should replace zoning and site plan agreements in such areas, and should cover matters normally regulated in those documents. Development control should consist of a statutory freeze on all development (broadly defined to include demolition, altering natural features, tree removal as well as building construction and alteration), with development permission granted by council only after a case by case examination of proposals.
– In granting development permission, municipalities should be empowered to attach conditions (including a time limitation on permission) subject to the same restraints recommended for attaching conditions to subdivision approvals, and subject to the same avenues of appeal, with public participation required at all points in the process.

Zoning Bylaws
– Where appropriate municipal planning capability has been demonstrated, zoning bylaws and amendments be approved by municipal councils without the confirmation of any provincial agency.
– Municipalities be empowered to attach conditions to zoning amendments, subject to the limitations recommended for conditions to subdivision approvals.
– Municipalities be empowered to regulate duration of occupancy in areas designated in a municipal structure plan for seasonal use.

Site Plan Agreements
– The Planning Act be amended to authorize municipalities to enter into site plan agreements registerable against title, and to empower municipalities to require site plan agreements as a condition to the approval of planning applications.

Renewal
– Section 22 of The Planning Act be amended, changing general references of "redevelopment" to "renewal", enabling municipalities to participate in all aspects of the new federal neighbourhood improvement program and residential rehabilitation assistance program, and requir-

ing public participation in the preparation of renewal schemes.
– Provincial participation in comprehensive renewal studies be initiated on a 50/50 cost sharing basis with municipalities, and the comprehensive renewal studies manual be re-edited and re-issued.
– Provincial participation in central business district schemes be revived, on a 50/50 cost sharing basis for both detailed planning and implementation, and a separate manual be prepared.
– Provincial participation in rural and resort area renewal schemes be initiated on a 50/50 basis, and a special manual be prepared.
– In renewal schemes of any kind provincial involvement be limited to a broadly supervisory role wherever municipal planning capabilities permit.

Co-ordination of Public Works
– The Province announces its intention to act within the context of approved municipal structure plans of suitable content, and to follow established processes in seeking any amendments to them.
– Municipalities be invited to seek technical and political assistance from the Province in coping with proposed federal works, and the Province announce its commitment to involve affected municipalities where joint federal-provincial projects are planned.

14.2 Creating Proper Municipal Planning Jurisdictions

It is now clear that, in time, the question of planning jurisdictions will be basically resolved by the local government reorganization program which the provincial government has actively pursued for the past several years. Given some acceleration in the rate, it is possible that the local government reorganization might be completed, or nearly so, by the end of the decade.

It will be recalled that, for municipal planning, the program thus far has yielded not only larger jurisdictional limits, but, equally important, has assigned the planning function directly to the municipal council, and required that a plan be prepared and adopted by a specific date. Without in any way diminishing the validity of the current new emphasis on planning as a process, this evident determination on the part of the government to insist that planning powers be exercised within the context of a formalized plan can only be applauded by anyone seriously concerned with municipal affairs.

No less significant for municipal planning is the announced intention to delegate some ministerial approval powers to the reorganized municipal governments upon completion and adoption of a satisfactory regional plan. This presages important changes in vertical planning jurisdiction for municipalities.

In the light of these existing policies and the continuing program, need much more be said? Clearly, the necessary response is already being made, and it might seem to be enough simply to join the chorus urging the early completion of local government reorganization across the province. That program is wholeheartedly supported here, and it is almost trite to offer comment on its import for the future of municipal planning. Suffice to say that, without the government's admirable resolve to see this vital work through, there would be little real hope of achieving an effective basis for municipal planning in the next, or any decade.

However, having in mind the observations offered earlier on the first four regional municipalities operative to date (Ottawa, Niagara, Muskoka and York), some suggestions from a municipal planning viewpoint on how the program might continue to evolve could be constructive. These will be directed toward both the geographic and vertical aspects of jurisdiction. At the same time, it may also be useful to review the interim measures which might be instituted to improve municipal planning jurisdictions in those parts of the province which will await for at least some years the advent of local government reorganization.

a) Geographic Jurisdictions

A master plan has never been devised for the reorganization of municipalities on an overall basis across the Province. So far, attention has been focussed on some major municipal problem areas, but not on others. The Province's new regional planning and development program has not, as yet, contained any indication of what its relationship will be to the new enlarged or "regional" municipal jurisdictions, or combinations of them. The announcement in June 1972 of *Design for Development, Phase III* affords some measure of reassurance in these respects. From that statement, it is evident that some ordering of priorities for implementing the local government reorganization program is in the making, with the Montreal-Windsor axis to receive the earliest attention. It is not yet clear, however, that the program is operating within an overall concept or grand design for municipal government within the province as a whole.

The statement also announced the reconstitution of the Advisory Committee on Regional Development as the Advisory Committee on Urban and Regional Planning.

Under its expanded terms of reference, this Committee will be able to relate regional development policies and issues to regional and local government policies on planning and development. This is a deputy minister-level group, of course, and the trick will be to effect the necessary co-ordination at the day-to-day operating level.

The principles intended to underpin the local government reorganization program were clearly enunciated in *Design for Development Phase II* (1968). Government policy, following on what was outlined in the August 1967 *Ontario Committee on Taxation Report* (Smith Report, Volume 2, Chapter 23 "Reconciling Structure with Finance") was set out as follows:

"1. A region should exhibit a *sense of community and identity* based on sociological characteristics, economics, geography and history.
2. A region should have a *balance of interest* so that no one group or interest can completely dominate the region.
3. There must be a *financial base* adequate to carry out regional programs at a satisfactory level.
4. The region should be large enough so that local responsibilities can be performed efficiently by taking advantage of *economics of scale.*
5. Regional boundaries should facilitate maximum *inter-regional co-operation.*"

To these original criteria, three have been added:

"6. Community participation and, where possible, community acceptance.
7. The new regional government boundaries should be usable by other institutions, e.g., provincial departments and agencies, and boards of education.
8. Where there are to be two tiers of government within a region, both tiers should be designed with the same criteria."

In *Design for Development Phase II,* guidelines were offered on acceptable size, internal structure and representation for regional government. These state that a region should have a minimum population of from 150,000 to 200,000; and, if a two-tier system, the population of the lower tier municipalities should be a minimum of 8,000 to 10,000.

These are sound principles, and adherence to them will undoubtedly yield positive results, at least insofar as municipal planning is concerned. In practice of course, many factors go into the decisions on how various municipalities should be reorganized, and it is only to be expected that some of those factors will conflict with the principles enunciated in 1968. To the extent that those principles are outweighed, the efficacy of the municipal planning process will probably be reduced, but even this review must acknowledge that there are other things in life besides municipal planning.

The most complete departure from these principles is to be found in the approach in and around Metropolitan Toronto, where the over-riding factor appears to be the provincial resolve to limit the political size of the municipality, without being able to do much about the physical extent of the metropolis. The corporate boundaries thus cut through rather than enclose the area of common interest. Paradoxically, the noisiest protests seem to emanate from within Metro, although the consequences will undoubtedly be visited mainly on the municipalities surrounding. Regional York already epitomizes all of those problems – no meaningful sense of community, an inadequate financial base, and an ever-growing imbalance between north and south. With its boundaries drawn through, rather than between areas of interest, the need for co-operative arrangements, with attendant complications, is maximized rather than minimized. Although it has evident attractions in terms of the present government's overall political strategy, Regional York is almost a caricature of what ought *not* to be done from a municipal point of view. When farther removed from the fundamental contradiction around Metropolitan Toronto, the prospects for solutions more compatible with sound criteria for municipal planning would appear to be considerably brighter.

Since municipal planning will, to such a considerable extent, sink or swim with municipal reorganization, it is important to put forward now, at this relatively early stage in the reorganization program, some recommendations which would prove advantageous for the future functioning of the municipal planning process. It is urged that this be done through the preparation of a provincial plan setting out the most effective geographic pattern of municipal planning jurisdictions, including, where thought appropriate, regional and local tiers of planning jurisdiction. This plan should become part of the terms of reference for the people charged with drafting proposals for municipal reorganization, and weighed as an important consideration wherever decisions are made during the completion of that program.

In pursuit of such a plan, this review might usefully comment on some of the possibilities and problems presented by the existing city/county/district relationships throughout the province. In so doing, the need for some kind of patching job around the rest of the Metropolitan Toronto perimeter is accepted, and attention is directed elsewhere.

Typical of areas on the fringe of Metro, Regional York, is a municipality in search of an identity.

It is possible to recognize at least four distinct types of circumstances throughout Ontario:

The Ottawa-Carleton Type, i.e., single major urban-centred city/county, or city/district combinations, with reasonable perimeters.
Possible examples – Chatham/Kent, Sarnia/Lambton, Windsor/Essex, Stratford/Perth, Hamilton/Wentworth, Peterborough/Peterborough, Sault/Algoma, North Bay/Nipissing, etc.

The District Muskoka Type, i.e., counties and districts without major centres, and with reasonable perimeters.
Possible examples – Huron, Bruce, Dufferin, Prince Edward, Haliburton, Manitoulin, Rainy River, etc.

The Regional Niagara Type, i.e., multi-centred counties and districts.
Possible examples – Simcoe, Lanark, Renfrew, Kenora, etc.

The Regional York Type, i.e., major-centred, multi-centred or uncentred counties and districts of unsuitable size, shape, or coverage.
Possible examples – Guelph/Wellington, Belleville/Hastings, Lennox and Addington, Kingston/Frontenac, Parry Sound and most other districts.

Much of the province falls into the first two categories, and this is fortunate, for it will be recalled from the discussion in Part I that Ottawa-Carleton and District Muskoka appear to constitute eminently acceptable bases for municipal planning, albeit for totally different reasons.

Regional Niagara already affords an illustration of the problems ahead for municipal planning where diverse centres, related more by competitive than by co-operative interests, are lumped together without really binding ties at the municipal level. In such circumstances, a number of largish but still single-tier units might have been preferable for municipal planning purposes, and possibly so for other municipal reasons as well.

For the fourth type, a major geographic rearrangement of historic alignments would appear to be imperative for any municipal purposes, and these combinations obviously should be avoided as a basis for municipal planning jurisdictions.

Two tiers of planning will undoubtedly be in order in many situations, particularly for separated population concentrations within larger regional entities. It will be important to apply the same principles (community of interest, etc.) if lower-tier planing is to be on an equally sound basis.

It seems questionable that all of the city/county and city/district combinations which would fall into the first of the four categories listed above would qualify for two levels of municipal planning. Where the central city is totally overpowering in relation to its surroundings, two tiers could simply set the stage for a Hamilton-Wentworth type stand-off between the core city's planning operation and the "regional" planning operation. An analysis of the efficacy of the Lakehead Planning Board/City of Thunder Bay relationship, notwithstanding the care which has gone into the avoidance of duplication or conflict there, might prove instructive in this regard.

Pending completion of the local government review program, there will be many occasions where changes to municipal boundaries and status should be considered, and even afterwards, adjustments of corporate limits (especially for lower-tier municipalities) will be necessary from time to time. It will be recalled from Part I that these matters are at present heard (given ministerial leave) by the Ontario Municipal Board. The disadvantages for these purposes of the Board's adversary type proceedings would appear to outweigh the advantages. In an earlier chapter, it was recommended that inspectors be appointed to replace the Ontario Municipal Board in hearing planning appeals. It is also recommended that they be assigned the duty of conducting enquiries on applications for municipal boundary changes. Their findings should take the form of recommendations to the Minister, for his decision.

b) Vertical Jurisdictions

Where municipalities throughout the province can demonstrate capability, the approval powers of the municipal councils should be extended considerably. The main objective should be to vest the real planning decision in the capable body closest to the people affected, and in the body properly accountable for the consequences.

The criteria for determining adequate municipal capability should include at least:
– The adoption, ministerial approval and mandatory periodic review of a municipal structure plan for the regional municipality. This plan should obviously reflect the planning framework established by the

Province in a bona fide provincial plan, or expressed in terms of plans for the five new consolidated planning regions.

– The availability and use of adequate machinery for broad public involvement in all phases of the municipal planning program at both upper and lower tiers where two tiers exist.

– The availability of an adequate technical staff and budget for planning purposes. At current salary levels and costs, an adequate budget for general planning programs and administration should be expected to run in the order of $1.00 to $1.25/capita. (Special projects, e.g., urban renewal schemes, transportation studies, could involve more at any given time.)

Where such criteria have been met, the Province should acknowledge that its involvement will be confined to the approval of the structure plan, and amendments thereto. It is in the overall primary or structure plan bearing ministerial approval that all of the Province's objectives should be recorded and accommodated, and safeguarded. These would include such matters as the basic assignments of population and jobs, economic base and resource development, trunk servicing, housing, conservation, and inter-urban transportation and communications. This limitation of provincial involvement should apply equally to the processing part of the municipal planning operation.

No less significant for vertical jurisdiction is the necessary legislative acknowledgment by the government that it will also be bound by a municipal structure plan bearing the Minister's approval as discussed in the preceding pages.

If a structure plan is to effectively co-ordinate provincial and local decision-making in the relevant areas, both the Crown in right of Ontario and the Ontario public service departments, as well as municipalities and local boards and commissions, should be bound by its provisions. Thus, for example, if an approved structure plan establishes a transportation or housing strategy for the planning area, neither the Province nor the municipality or municipalities concerned would be authorized to act otherwise than in accordance with the plan, until, of course, it is amended through due process. Such a restriction would be enforceable by the courts exercising jurisdiction to issue declarations and injunctive relief. Olympian thunderbolts of the Spadina variety could not recur, replaced instead with an appropriate amendment procedure.

Where the Minister is satisfied that the criteria have been met, he should be empowered to delegate or to transfer to the municipal council approval powers with respect to:
– District plans (i.e., Part 2 or secondary plans or "guidelines") and amendments thereto.
– Plans of subdivision.
– Consents.
– Zoning bylaws.
– Minor variances.
– Site plan agreements.
– Development control.
– Urban renewal plans and bylaws.
– Maintenance and occupancy bylaws.

Delegation of zoning bylaw approvals would involve a reduction in the present powers exercised by the Ontario Municipal Board. The whole question of alternatives to the OMB in the municipal planning process has already been explored in an earlier chapter.

The municipal councils should enjoy a wide discretion in the appointment of permanent or semi-permanent advisory committees or task forces for continuing or specific purposes, involving technical or citizen representation or both. Consultation with appropriate provincial departments would have to be mandatory wherever defined provincial interests are involved.

Where two tiers of local government are established, the regional level should be empowered to delegate any of its approval powers to the lower tier, based on the same kind of criteria, and operating in much the same relationship. For example, existence of a regionally approved district plan covering the lower tier municipality would be a prerequisite, and the regional municipality would confine its involvement to safeguarding regional interests and policies as expressed in those plans. The regional municipality would also be bound by such district plans.

The lower-tier municipal planning budget should be able to be accommodated within the overall $1.00 to $1.25/capita range if a serious effort is made to avoid repetition and duplication.

It is not recommended that any municipality be empowered to delegate decisions to ward councils, neighbourhood groups or community associations in any legal sense, unless of course the creation of ward councils is enabled by amendment to The Municipal Act, and their members are elected under The Municipal Elections Act. This will not, in future (nor has it in the past), prevent municipal councils from *de facto*

delegation of decision making to various groups, but this review urges most strongly that all decisions remain legally in the hands of persons elected under some regularized and scrutinized process.

It will certainly be imperative to ensure continuance of the avenues of appeal from municipal decisions in planning matters of all kinds. New machinery for these purposes will be recommended in the subsequent chapter. It will be equally important to provide in the legislation for ministerial withdrawal of approval powers where adherence to the criteria for planning capability is not sustained by the municipality.

c) Interim Measures

Even allowing for an increase in the rate of legislation, it seems likely that several years will elapse before many parts of the province are covered by the local government reorganization program. In the meantime, some obvious steps might be taken to improve planning jurisdictions where circumstances are already favourable or can be made to be favourable very swiftly.

In terms of geographic jurisdictions, the Province should take the initiative in establishing joint planning boards or in amending the coverage of existing joint boards, to conform to the pattern set out in the "plan for planning areas" recommended above. As discussed in Part I of this review, joint planning areas and boards have their weaknesses, and in the past have produced decidedly mixed results. Nevertheless, they still offer the best arrangement for municipal planning in many situations. The recently established Tiny-Tay Planning Area affords an example of how a number of disparate municipal planning operations may be consolidated, and through co-operative effort by the municipalities and the Province, a comprehensive planning program with supporting staff can be initiated. (The Tiny-Tay Planning Area includes those two townships plus the Towns of Midland and Penetanguishene, and the Villages of Port McNichol and Victoria Harbour.)

As suggested earlier, in terms of vertical jurisdiction there would seem to be no compelling reasons why the Province could not experiment with the delegation of at least some of the approval powers mentioned above to those cities which can demonstrate satisfactory municipal plans, adequate budgets, competent staff, and appropriate participatory procedures in advance of the municipal reorganization program. London, Kingston, and Sault Ste. Marie may be examples of cities which, if they are not now, might soon be brought up to a level of capability which would qualify for such dignities.

For those many parts of Ontario where capability will only come with reorganization, the next best step on the road to decentralization would be the increase in the number of field offices, expansion of the staff complement in each, and the assignment to the senior officer of all of the processing and review functions now focussed on Queen's Park. As recommended in an earlier chapter, these would include *de facto* approval of subdivision plans, official plan amendments and review of zoning bylaws and amendments, committee of adjustment decisions, etc.

It should, at the same time, be cautioned that these assignments cannot simply be loaded onto the existing field staff, who are presently fully engaged in promotion and liaison. The program will fail amid disillusionment unless additional staff are provided, staff who are trained to administer the very different and specialized approval processes which pertain to applications of various kinds.

d) Recommendations Summarized

It is recommended that:

– To improve geographic municipal planning jurisdictions, a plan for municipal planning jurisdictions, single-tier and double-tier, should be prepared based on the criteria enunciated in "Design for Development" et seq. This plan should be among the major factors considered in decisions respecting local government reorganization.

– Applications for changes to municipal boundaries and status be the subject of inquiries by the inspectors appointed to hear appeals on planning matters. Their findings should be recommended to the Minister, for his decision.

– To improve vertical municipal planning jurisdictions, the Province should limit its interest in and approvals to the overall municipal structure plan, and should be bound by plans which bear ministerial approval.

– In order to decentralize the process, approval powers with respect to district or secondary plans, zoning bylaws, and development applications (including condominium applications) presently exercised by the Minister and the OMB, should be delegated to the municipal councils

where suitable criteria as to planning capability have been met and are sustained.

– Where two tiers of local government exist, the upper tier should limit its interest in and approvals to the overall structure plan and the district plans, and should be empowered to delegate approval powers for bylaws and development applications to lower-tier municipalities where suitable criteria as to planning capability have been met and are sustained. Pending local government reorganization, any joint planning areas adhere to the pattern established in the plan for municipal planning areas referred to above.

– Municipalities able to demonstrate adequate planning capability in terms of the criteria established, should have the same planning approval powers delegated to them.

14.3 Improving the Product Technically

It is obvious that the professional quality of municipal planning across the province is uneven. Work of a superior kind can be produced, given the necessary ingredients, but thus far the only really satisfactory performances have been confined to the larger jurisdictions which maintain their own permanent planning staffs. In the smaller municipalities, consultants have been able to contribute a satisfactory level of expertise for specific assignments, but in many cases a continuing high standard has not been sustained because of a failure to maintain an adequate administrative base. In some instances, consultants have been employed on a continuing basis for the day-to-day planning operations, but this is always costly and seldom efficient, especially where the consultant's base is remote.

It is clear from this review that if municipal planning throughout the province is to be done well, or at least much better than in the past, the professional and technical staffs at the municipal level will have to be strengthened significantly. Such strengthening is necessary not only in the number and quality of the personnel involved, but also in the materials and information with which they have to work. The ways in which the Province should foster technical competence at the municipal level is the subject of this Section.

Approached in logical sequence, the measures needed are: first, to improve the materials; second, to improve the dissemination of those materials; and finally, to improve the capacity of the municipalities and their planning staffs to utilize effectively the materials which have been disseminated.

a) Improving the Planning Materials

Maps Virtually all planning utilizes maps. Notwithstanding this simple fact, adequate mapping is presently available for all aspects of planning only in the largest jurisdictions. On anything like a province-wide basis, mapping remains woefully inadequate, and the lack of suitable maps for municipal plans, zoning bylaws and other planning studies constitutes a serious stumbling block to sound municipal planning. Maps of varying quality can usually be made available for a specific project, but the source material is usually scattered through numerous agencies, often in different levels of government, or must be compiled from field surveys at a high price. In all events, the present methods are far too time-consuming and so expensive that they are frequently curtailed out of consideration for costs with a consequent lowering of quality in the plan or studies involved.

The supply of maps is now being improved rapidly and an awareness of the interdependence and the common usefulness of many maps is gaining ground among government agencies generally. Unfortunately there has not yet emerged any centralized system for dealing with such materials or for making them available at one source.

Many maps are required by the Province and these should in all cases be made available to municipalities. The minimum requirements for sound municipal planning are:
– photogrammetric mapping on a suitable scale showing contours, buildings, other works of man, and natural topographic features and wooded areas;
– property ownership, at map scales which permit their superimposition on the photogrammetric maps;
– aerial photographs, at similar scales.

It should be noted that these maps and photographs would be useful for a number of other departments in the government and that their general availability would profit the Province as much as it would the municipalities.

A complete inventory of map and aerial photography sources in Ontario would be beyond the scope of this review. However, it should be noted that in addition to the National Topographic series of maps published by the Department of Energy, Mines and Resources, Ottawa, the main sources other than municipalities themselves are the Ministry of Transportation and Communications, the Department of Lands and Forests, and Ontario Hydro. The Ministry of Transportation and Communications has an advanced computer mapping system in its photogrammetry office that can turn out mapping from

aerial photography at almost any scale and detail a planner might require. This system is apparently not well known municipally, nor is it used extensively by other provincial departments.

Whatever its sources, the base mapping needed by the various government departments as well as by municipalities would be far more easily desseminated if stored at a central point. The potential offered by computer mapping techniques is very great but can only be fully utilized by a larger scale use than is normally needed by any one agency. This virtually demands a provincial photography and mapping agency. Such an agency should therefore be set up, and the model for it might well be the photogrammetry office of the Ministry of Transportation and Communications, some of whose programs the new agency might well assume.

If established, such an agency should be required to compile a central library of existing mapping for all municipalities and provincial departments, and to publish a catalogue of available types and scales. In addition, that agency should embark on new mapping programs with the objective of complete topographic coverage at suitable scales over all urbanizing areas and resort areas by the end of the decade. A system of keeping these up to date will have to be worked out on an ongoing basis. It may be possible to achieve significant economies by co-ordinating all base mapping for government departments, conservation authorities, municipalities, and private agencies in this way.

A special matter closely associated with base mapping is that of cadastral information (land division and ownership). This is presently in a chaotic state, as the provincial assessment program has ruefully found. Adequate mapping of land ownership and property boundaries and the updating of changes is essential for land-use control through zoning bylaws or direct development control means. The matter has been looked into in some detail by the Ontario Law Reform Commission which recently published a report on land registration. Its report recommends sweeping changes to the system, and of special pertinence to municipal planning, the Commission recommended that:

1. A computer system should be used for land registration. The major elements of this system are:
— a record for each parcel should be stored in a central computer. This record should include the name of the owner, and references to the description and current documents. The record should also include, as supplementary information, the date, names of parties, and kind of each current document, and summaries of the terms of payment of charges;
— the records in the computer should be available in local offices through remote terminals;
— the descriptions and microfilm reproductions of the registered documents should be stored in the local offices;
— registrations should be made at the local offices for the parcels that are affected;
— the microfilm reproductions and the changes in the record stored in the computer should be made at a central office; and
— copies of descriptions and documents for searches should be obtainable by mail.
2. An index that is derived from co-ordinates and designed in co-operation with other prospective users should be used."

The Law Reform Commission's recommendations are strongly supported here. It is submitted that the co-ordinates referred to should be the geocoding system noted below and the whole computer system, including the index, should be compatible with or even part of the provincial mapping agency. The index itself could well be an appropriate set of cadastral maps which could also serve as the base maps for all forms of land use control in the province.

Statistics As with maps, the collection of necessary statistical base data for planning studies also constitutes a serious problem at the present time. Although many statistics are obtained from central sources, others have to be collected by special surveys for individual studies. The latter are not, of course, undertaken on any continuing basis, nor is much consistency to be found in methods and categories used, even between similar studies or between adjacent municipalities. As a result, the findings can seldom be used on a continuing comparative basis. The remarks on present methods and common usefulness of maps also apply to statistical data where there is an even more critical need for a centralized system.
The principal sources of data are Statistics Canada (formerly Dominion Bureau of Statistics), particularly the census, the provincial assessment offices, and the myriad of special studies that are continually being carried out. The planning information set up as part of the assessment revision sheets is critical for municipal planners, but as yet is only collected in a few instances. As a first measure to improving the present situation, it is urgent that this program be speeded up and that the planning information be collected for all municipalities as soon as practicable. While almost all the assessment planning information is available if collection is organized, there remains one question as yet unsettled and that is land-use coding. A number of the larger municipalities already use land-use coding systems, but none are the same. It is clearly desirable that a uniform land use code be available for the province as a whole, and indeed the

matter has been under study for a considerable period of time. Without great impetus at any point, the study has shunted from the Community Planning Branch to the Town Planning Institute of Canada and back again to the Province in the Ministry of Treasury, Economics and Intergovernmental Affairs where work now continues. It is urged that the study of the land use code be resuscitated forthwith, and that those charged with completing the task be required to make recommendations within a specified period of time.

If statistical material is to be most useful, it must be so organized and recorded that comparisons from time to time and place to place can be made quickly and accurately. For such purposes, a common base that will render statistics mutually compatible is necessary. Such a base is available in what is known as the geocode, i.e., the system of rectangular co-ordinates that allows any geographic point to be identified.

Statistics should also be stored centrally, where they can be catalogued, and their existence made known to other public and private bodies.

The Ontario Statistical Centre appears to be the most appropriate agency to act as such a registry. At present the Centre is mainly organized to serve the government itself and is not set up to serve planning or even municipal requirements. However, an expanded role for the Centre is certainly feasible, given a policy decision at the appropriate level. At the same time, the Centre should be given a broader assignment as a repository for statistics generated by all provincial and municipal agencies, and of appropriate statistics volunteered by federal, private, and institutional bodies. It seems self-evident that this should be done.

The recommendation of these steps is not intended to imply that other departments and municipalities would not keep their own statistics and mapping units for their special needs. However, it should be ensured that copies of tapes, cards and other material will be supplied to the Statistical Centre for use by the Centre, and for dissemination to municipalities and provincial departments in response to requests.

Central Research Continuous changes in population distribution, societal values, living patterns, and technology demand continuing research to establish proper bases for coping with the problems that arise. The nature of planning dictates broad scope to take in widely differing facets, from the mixtures of housing types to the use of leisure time, from the capacity of a lake to accommodate cottages to performance standards for industry. The program of research for such diversified field is by its nature a difficult one to define.

At present, research closely related to municipal planning is carried on within three or four separate provincial departments, in a few of the larger city and regional planning agencies, and in the several university planning schools. Some attempts have been made to correlate certain aspects of this work by such agencies as the Canadian Council on Urban and Regional Research for the nation as a whole, by the Department of Municipal Affairs for Ontario (now the Urban and Regional Affairs Division) and by a few enterprising individuals working in a particular field. Although well intentioned, much of this correlation is of limited use and regrettably ephemeral. Moreover, the results of the research receive little publicity and consequently seldom become widely available. The usefulness is therefore considerably diminished.

It should be anticipated that as the Province itself gets into provincial planning, its research efforts will tend toward matters of provincial concern. Understandable as this may be, such a trend would carry with it the danger that research on municipal planning matters may be lost sight of, and this should be guarded against. Sinee many of the provincial and municipal planning problems will overlap, there is no reason why both activities should not be co-ordinated by the same agency.

The development of an adequate program for research on municipal planning problems, including a budget for internal and extra-mural projects, should be made the exclusive assignment of a special branch within the recently reconstituted Ministry of Treasury, Economics and Intergovernmental Affairs. Among other things, it is recommended that this research section should be charged specifically with preparing and maintaining an index of research projects relevant to planning, preferably one that can be easily cross-referenced with other information systems. The research section should also make recommendations on the distribution of funds for research purposes, initiate appropriate research projects through grants, disseminate the results of such projects to planning agencies and other bodies, and make recommendations to the Minister on individuals and agencies best suited to undertake research projects of various kinds.

The research section should be energetic in seeking out subjects of concern to municipalities, with special attention given to day-to-day problems. In this latter respect,

there are many everyday type questions which continue to plague the planners and which no one ever seems to have the time to be able to answer satisfactorily. To cite a few examples: To what extent can neighbourhoods really be devalued by higher density developments? What do various densities of development actually need in the way of social services? Are there limits to the numbers of apartments which should be concentrated in one location? How can public housing best be woven into the urban fabric? Does a successful downtown always require a strong retail component? Can private open space or recreational facilities effectively substitute for public open space and facilities? What is actually happening in the marketing patterns for petroleum products? The list could be continued extensively. Such questions recur year after year to confront the municipal planner who, in the absence of any guidance, can only evade answering, or respond with arbitrary standards and *ad hoc* practices. Help from a strong central research base would rank among the most welcome provincial contributions to the improvement of municipal planning.

Manuals The usefulness of manuals defining techniques in plan-making, and setting out procedures in dealing with planning applications of different kinds was amply demonstrated by the timely and successful series on urban renewal which were widely circulated in the middle Sixties. It is recommended that the Plans Administration Branch be assigned the task of producing, within the next two years, a complete set of manuals covering the preparation and processing involved in municipal plans, zoning bylaws, development control, subdivision administration and urban renewal (both residential and non-residential). Copies of all manuals should be lodged with each municipality (or planning area) and kept up to date with revised editions reflecting changes in policies, methods, techniques and procedures, as these evolve. Obviously, each of these manuals should reflect the very different requirements for municipalities of various kinds and locations throughout the province.

b) Improving Dissemination

It is clear that inadequacies in the communication of new provincial policies, regulations and procedures can do much to frustrate the good work in their preparation, with confusion and delays the discouraging product of much expenditure in time and effort. To effect sure communication, a single, clear-cut and recognizable avenue of dissemination should be formally established, replacing the variety of means currently in use. Accordingly, it is recommended that the Planning Act be amended to empower the Minister to issue circulars enunciating new policies, procedures, and regulations pursuant to various sections of the Act. The legislation should require that copies of all circulars be lodged with each municipal clerk or secretary of a planning area, where they will be available for public reference.

It is suggested that *Ontario Planning* be continued in its very useful purpose as a newsletter, aimed at keeping municipal planners abreast of what is happening in provincial planning, other municipal jurisdictions, the planning school programs, staff changes, etc.

c) Improving Municipal Capability for Planning

Grants It has been noted earlier that provincial grants for municipal purposes have been a sometime thing, attuned to certain programs (urban renewal) or specific projects (Oshawa Area Study). It has also been observed that the availability of adequate funds is the single most important factor governing the quality of the municipal planning work.

Where municipal plan preparation is mandatory, it is recommended that provincial grants matching the municipal expenditure be made available. In order to stimulate quality, a *minimum* municipal share should be set, perhaps in the order of 50¢ per capita for the plan preparation and approval period. Thus, assuming that half the population of the province was affected by such a grant in any one year during the next decade, at 50¢ per capita the provincial cost would be in the order of $1.7 – $1.8 million per annum.

Grants for approved studies (e.g. transportation, urban renewal) should be continued, but it is not felt desirable that grants be extended for planning administration. This should be a recognized responsibility of the municipality in the same way that engineering or financial matters are administered.

It is recognized that there are substantial arguments against grants to municipalities which specify where the money shall be spent, but it is believed that the desirability of completing a sound municipal plan within a specified time would justify the attachment of conditions during the period of plan preparation. It is therefore recommended that the Province adopt a general policy of making grants for the preparation of municipal plans, or comprehensive amendments to existing municipal plans, and for approved studies. Such grants should match suitable minimum per capita expenditures by the recipient municipalities.

Special grants to assist public participation in the municipal planning process will be discussed in a subsequent chapter.

Planners' Qualifications In recent years the number of graduates from university and college programs in planning has significantly increased. There is now no real shortage of professional planners at the junior and intermediate levels, although good experienced senior people are still scarce, since few planners were being trained twenty years ago. This latter problem can only be cured in time. There is also a pervasive shortage of planners with backgrounds in the design disciplines (architecture, landscape architecture, engineering). Incentives which should be employed to redress this deficiency have already been discussed.

Given the build-up of field office staffs through the decentralization of the provincial administration functions, it would be practical to seriously consider an exchange program whereby provincial planning people trade assignments with staff from municipalities for suitable intervals. This should be useful in stilling the plaintive cry (from both directions), ". . . But they just don't understand what really goes on here."

The provincial planners must be expected to keep themselves up-to-date technically, and with their centralized resources they should assume leadership in assisting the municipal planners to do likewise. In previous years, provincial planners convened a number of seminars on planning topics, the most recent and successful exercise being devoted to computer applications, data banks, and geocoding. The energetic continuation of these seminars could do much to acquaint municipal staffs with new methods and programs, especially those from the more remote jurisdictions, as well as providing a common meeting place for the exchange of ideas and experience. Given suitable topics, their frequency may well be increased from the average of one per year that has been seen so far.

Most institutions benefit from low staff turnover but perhaps this is somewhat less true for planning agencies. Too frequent changes can be upsetting to an administration, but the injection of new or at least rejuvenated blood, especially at the senior levels, can bring new thinking which, in a rapidly changing profession like planning, can only be beneficial to both employer and employee.

In view of the controversial nature of the planning process and its extreme political sensitivity, there should be some protection for a municipal planning director or commissioner to ensure that he cannot be summarily discharged without publicly stated cause. While cases of actual dismissal in such circumstances have been few, there have been sufficient to raise serious concern within the profession. The chief municipal planner should be able to report, advise, or give testimony secure in the knowledge that, if he chooses, he will be allowed his day in front of open council to hear the reasons for his discharge and to defend his professional actions.

d) Recommendations Summarized

Maps

– A co-ordinated system for provincial, and for municipal planning needs be developed, and the following specific measures be taken:

– A provincial computer mapping agency should be established in the Ontario statistical centre.

– A program of extending base mapping coverage for all urbanized areas and resort areas should be embarked upon, aimed for completion by the end of the decade.

– The minimum requirements for municipal planning purposes which should be provided are:

Topographic mapping showing buildings and contours.

The corresponding aerial photographs.

Property ownership maps on scales compatible with the topographic maps.

The computer system for land registration recommended by the law reform commission should be directly connected through computer terminals with the mapping agency.

Statistics

– The Ontario Statistical Centre be designated as the repository of all statistical data for the Province.

– Copies of all provincial and municipal statistics be deposited with the Centre.

– The establishment of a geocode be afforded the highest priority, and thereafter it be a requirement that all relevant provincial and municipal statistics be geocoded.

– A catalogue be published by the Centre, listing the kinds of statistics, and that statistical summaries be made available to municipalities on request.

– The systematic collection of all planning data as set out in the assessment revision sheets be adopted as an objective for 1975 by the Province.

– Completion of a common land use code for use throughout the Province be adopted as an objective for 1975.

Central Research

– A research section within the Ministry of Treasury, Economics and Intergovernmental Affairs be charged

with preparation and maintenance of an index of research projects relevant to planning.
– The same body be required to undertake planning research projects, including those dealing with matters of municipal concern, to recommend to the Minister where provincial financial support should be extended to individuals or agencies in the conduct of research projects, and to disseminate the findings of such projects to the municipalities.

Manuals
– The Plans Administration Branch be instructed to complete within two years a full complement of manuals to guide municipalities in plan making, and in the use of development control, zoning, urban renewal, subdivision control, and other tools employed in plan implementation.
– These manuals be published in a form amenable to updating, and appropriate copies be lodged with all municipalities.

Dissemination of Provincial Policies
– The Planning Act be amended to empower the Minister to issue circulars enunciating new policies, procedures or regulations pursuant to the Act.
– Municipalities be required to maintain copies of all such circulars available for public reference.

Grants
– Providing grants for the preparation of municipal plans or comprehensive amendments or approved studies be made general policy. Such grants should match suitable minimum per capita expenditures by the recipient municipalities.

Qualifications of Planners
– The provincial policy of rotating planning staff through a variety of assignments be extended to staff exchanges with municipalities, where practicable.
– Provincially sponsored seminars on professional subjects for municipal planning staff should be scheduled on a regular basis and held regionally where practicable. Programs should be devised for intermediate and technical staff as well as those aimed at senior personnel.
– A ministerial circular should be issued stating that a chief municipal planner is entitled to publicly stated reasons and a hearing before council prior to dismissal.

14.4 Extending the Use of Municipal Planning

Despite a substantial investment in municipal and provincial effort, and nothwithstanding more than a fair share of publicity, neither municipal plans nor the municipal planning process have been used really extensively by the municipalities or the Province. To date, municipal plans have been employed most frequently, and with varying degrees of effectiveness, as the context for zoning bylaws and for the processing of private development applications. In the best circumstances, they are utilized by municipalities in the design and scheduling of trunk utilities and roads, and by educational authorities in locating sites and timing school construction. More usually however, although there may be great co-operation in plan input, there is much less appreciation of plan output by municipal administrations.

There are many reasons. Municipal plans have seldom been very good, and even as they have improved in quality, the content has been limited to essentially physical concerns. Almost none contain economic or social objectives, nor could they do so in any meaningful sense, tied as they are to municipal corporate limits which bear little semblance to complete social or economic units. Equally important, and this is still true today, no municipal plans exhibit any financial foundations, nor do they show any evidence that costs have been weighed against revenues in committing the municipality to a course and sequence of action.

The prospect ahead is for better and more complete plans, through larger and stronger municipal jurisdictions using sounder technical assistance and broader public input, and through new provincial policies which will demand wider-than-physical objectives for municipal plans and require testing of the plans in light of the municipalities' financial capabilities for implementation. All of these have been discussed in the preceding chapter. It remains to elaborate on the ways in which municipalities might make fuller use of the results, if they can be persuaded to do so.

Persuasion it should be, at least until proven techniques are available for testing and evaluating the output, and until it is evident that a stronger provincial stance on the point is merited. It will undoubtedly occur to the reader that in this respect, circumstances are not so very different than they were when mandatory planning was first discussed in the early post-war years.

The objective should be plans that are reliable, and a process that is quickly responsive to council's enquiries on current problems; e.g., the impact of a possible new municipal program on existing programs in terms of costs and levels of service; or the merits, in terms of the social or economic objectives of the plan, of alternative

priorities or directions of growth in a development sequence. In other words, what should be intended is the full integration of planning into the municipal management process.

Computer technology, which permits vast storage and ready retrieval of data and their rapid manipulation, provides the electronic tool. What is necessary is a widespread understanding of how it can be employed, plus trained personnel to do the work, and professional attention directed toward devising computer programs usable in solving the kinds of problems faced by local government.

The larger private land developers are already utilizing related techniques to assess the impact of possibilities such as modifications to the land use plan, additions to their holdings, changes in municipal requirements, in terms of such things as their projected housing mix, lot production schedule, timing of trunk utility construction, cash flow etc. Boards of education are likewise employing sophisticated means to plan and program the provision of school accommodation. It is significant that the municipal plan forms a main component of the data base in both of these examples.

It is patent that a great deal of exploratory work must be done to perfect these methods for municipal management purposes. The task is well within the financial and technical capabilities of the larger regional and metropolitan municipalities, but it seems more appropriate that the Province take the lead in, and assume the responsibility for, advancing such techniques.

In so doing, care should be taken to involve municipal people along the way, especially through regionally convened seminars, using concrete examples drawn from recognizable situations. Of particular importance are the senior municipal staff. They are the ones who tend to be too busy, or past the stage when the learning process retains attraction. Yet it is on them that much of the sucess in persuasion will depend.

Recommendation Summarized

In summary, it is recommended that:

– The Municipal Services Division embark on studies aimed at integrating municipal planning with municipal management processes generally, and specifically on the use of computer techniques to utilize municipal plans and planning data in the resolution of municipal management questions, and The Municipal Services Division work closely with municipal staff from across the province in the conduct of those studies.

Chapter 15

Broadening the Popular Base

15.1 Machinery for Citizen Participation

The upsurge of public interest in the municipal planning process and the burgeoning of citizen desire for involvement which characterized the Sixties has been described in Part I, and clearly identified as a major new fact of life for planning in the coming decade. The widespread and sustained nature of citizen interest seems to contradict conventional attitudes which postulate that:
– Most people do not want to become involved in public policy formulation beyond the very impersonal (secret) act of voting.
– Most people drawn into politics are activated by a single issue, and a few more by not more than two or three that are often related.
– Decentralizing jurisdictions to keep government close to the people concerned produces less rather than more participation.[105]
The new tide of public interest has swelled against a process ill-prepared to absorb it. Notwithstanding some very genuine early attempts to shake it, public apathy toward municipal planning during the Fifties permitted the build-up of an intricate process which was effectively shielded from public participation by inconsistent notice, scant information dissemination, primitive machinery for group involvement, and formidable cost barriers to contest and appeal.

Rather few among the political, entrepreneurial, and professional practitioners within the system have been prepared, by training or by inclination, to respond positively to the reversal of public attitudes during the Sixties. Indeed, in many instances real political decision-making has actually moved away from the local venue, as municipal powers and functions have shifted to the new regional councils. Until the very recent emergence of the advocate planner, professional activity was moving steadily in the direction of greater sophistication and away from ready comprehension by laymen. Paradoxically for the citizen, one of the few favourable portents is to be found in some segments of the development industry, where the trend to greater size has produced a little recognized effect. The larger development companies, with their extensive land inventories, have longer-term commitments in a community than ever before. In consequence they frequently exhibit far greater concern for community needs and attitudes than their earlier, smaller counterparts.

Largely as a result of fixed political and professional attitudes then, municipal planning legislation and practices still retain most of the procedural deficiencies which inhibit genuine and constructive public involvement. These circumstances persist even after ten years of growing public agitation. For the citizen at large concerned with a planning matter, two measurable advances have occurred. The new readiness of people to organize and act, indeed the energetic public search for issues, affords him reasonable assurance of early and continued support in his efforts. The second has been the phenomenal rise, under quite remarkable leadership, of a previously little-known provincial tribunal to a place of pre-eminence in the municipal planning process. The Ontario Municipal Board's assumption of an almost judicial stance toward what it perceives to be citizen's rights and minority interests has filled a void in the system, and focussed attention on the need for an ombudsman at some appropriate point along the way.

The cumulative result of what has transpired is a truly sorry state of affairs for municipal planning. Undeniably, the picture is firmly implanted in the public mind of a narrowly-based and institutionalized process operating on inside lines, with an aroused but still denied citizenry clamouring from without. As municipal planning builds toward a decade so full of promise in other ways, the consequences of neglect in the vital area of public acceptance seriously threaten to undermine its whole political foundation.

The main weight of criticism over these circumstances appears to have fallen on municipal councils (especially those of the large urban centres and the resort townships), and this is not without irony in view of the peripheral role in the process assigned to councils by The Planning Act. The Province itself cannot be held entirely blameless, for neither by legislative action nor by policy pronouncement, has the government moved to correct the inadequacies for citizen involvement in the

105. Riedel, J.A. "Citizen Participation Myths and Realities" XXII (3) *Public Administration Review* May-June 1972.

Focal point of citizen involvement, the huge St. James Town complex in central Toronto is a target hard to miss.

municipal planning process. Recriminations aside, it is obvious that both the Province and the municipalities must assign the highest priority to broadening the popular base for planning.

Devising means for more effective citizen involvement requires different approaches at different levels. What is appropriate at the neighbourhood level will not necessarily be workable for matters of city-wide or regional interest or import. Accordingly, separate attention is addressed to each circumstance.

a) At the Neighbourhood Level

The municipal planning problems which capture the attention of the most people, and in the most direct way, are those which are of impact in a single neighbourhood. This is fortunate. In such circumstances, organizing public involvement is manageable, a wide and representative canvass of opinion is readily obtainable, meetings to discuss issues or projects can usually be accommodated conveniently and comfortably in school auditoriums, and the citizen can contribute his local knowledge (often his greatest asset) to plan-making and problem solving. The principal requirements for improved participation at the neighbourhood level seem to be:
– better procedures as to notice at all stages in the process;
– improved public access to information in civic departments;
– assistance in the establishment of neighbourhood organizations where these are lacking;
– financial support and technical help to affected residents, to assist their evaluation of municipal planning; proposals (and works projects and localized social service programs);
– staff assistance to aldermen and councillors to improve their capabilities for response;
– means to ensure due regard for peoples' rights in the planning process;

Consideration was given to the advisability of providing neighbourhood groups with financial support for administrative purposes and technical assistance on some sort of continuing basis, all out of public funds, but this idea was rejected. In the first place, it would have been necessary to suggest much greater institutionalization of neighbourhood groups. This would be regrettable. There is a certain fervour and energy in the spontaneous groups which form around issues and then disband, and in their leadership there is a kind of democracy in the "ad hocracy" of the moment which is not easily safeguarded with the passage of time. On the other hand, if public funds were to be expended in these ways, the recipient organization would surely be required to show on a regular basis, (perhaps through paid-up memberships) that it remained reasonably representative of the residents of the neighbourhood, that its officers were duly elected by ballot, and that its members were consulted on issues. The practical difficulties for administration would be formidable.

Accepting the point of view that citizen participation can be a cost avoidance factor, rather than a cost increasing factor,[106] the idea of the advocate planner can be approached. This concept, which has become popular in the United States, is being tried now in Canada with some success, notably in Toronto's Trefann Court. The idea is that there should be fully trained and competent planning people made available to become the resource-professionals of the neighbourhood, although paid out of public funds. Ideally, the neighbourhood is given the right to hire the planner and also the right to dismiss. Advocate planners are often retained for specific projects, but may also be hired on a continuing basis if sufficient planning activity warrants.

Where municipal planning projects are initiated in a neighbourhood, municipalities should consider making such help available. Where they decide to do so, the Province should assist on a 50/50 cost sharing basis, but only where the municipality first decides to do so. The analogy can be drawn to legal aid or medicare. Instead of professional assistance to the individual provided at little or no cost by the government, professional assistance would be provided to individuals or to a neighbourhood group at no direct cost to them other than, of course, whatever percentage comes from their normal taxation. At present, only middle-class neighbourhoods where the residents include people with professional skills, who can handle themselves at public meetings, and who can translate data and information into arguments to score points, are equipped to effectively mount protest movements.

In cases where private planning applications are appealed, costs for the opposing sides should continue to be dealt with in the manner presently practised by the Ontario Municipal Board. The hearing officer should entertain motions as to costs, and make recommendations to the Minister, who should be empowered to make orders as to costs in his decision on the case.

Whether assisted by advocate planners or not, neighbourhood groups should be entitled to full details of develop-

106. Thayer F. "Participation and Liberal Democratic Government", prepared for the Committee on Government Productivity. Unpublished.

ment applications and survey data throughout the course at any project. In this regard, many municipal planning agencies could, with profit, retain advice on graphic techniques to present the essentials of a proposal clearly and quickly to a large audience, or to the unpracticed citizen opening his mail.

One of the principal reasons that persons seeking information are frustrated in their efforts is that their requests usually fall on people already busy with other tasks. It is always much easier to toss off an excuse as to why the answer cannot be provided than to bestir oneself to accommodate a caller wanting (or insisting on) an immediate reply. The favourite ploy, of course, is the "confidential information" routine.

To circumvent this problem, municipalities should appoint information officers (the larger jurisdictions might require one in each of the major departments where many enquiries are received) whose sole duties would be to assist individuals and groups seeking answers.

If the new, large units of local government are to be responsive, ward aldermen will obviously require help to respond. In most large municipal jurisdictions, the elected officials continue to struggle along unaided and unable to keep up with both the regular aldermanic business, and the new consultative role demanded of them. It remains a mystery why they do not vote themselves more executive assistance which would free them for greater community contact, but the Province really cannot make them do so. What the Province might well consider is offering a 50/50 cost sharing for a new kind of municipal employee, the community development officer. Not in any sense an advocate planner, his task would be to mobilize people to assist in neighbourhood projects of many kinds, of which planning matters are only one type. The community development officer's assignment would be to work with people, to stimulate discussion, to inform, and to give residents confidence in and awareness of the mechanisms that can be used to make the municipality conscious of their needs and desires. Not all parts of municipalities will need such assistance, but undoubtedly at least some will in most large jurisdictions.

The effect of this consultation upon the actions of the aldermen will be a matter of individual taste and style. Some "new wave" aldermen are attempting to function on the delegate model; that is, on all issues a ward consensus is sought and then the alderman votes. Others in the aldermanic ranks feel that they have been elected to make and take decisions and they may or may not engage in consultation with their electors before casting a vote on issues.

The above suggestions are not put forward as the panacea in this most exacting area of the municipal planning process, but it is believed they will afford improvement. It should be understood however, that consultation and involvement alone will not resolve all the difficulties. Consult though they might, groups with differing objectives and values will undoubtedly continue to disagree. Ultimately the council will have to decide, whether it be developer vs. developer, developer vs. an individual or citizen group, or one citizen group vs. another, within or without the neighbourhood.

In such cases, one side or the other will be discontent with the decision. The knowledge that a full and fair opportunity has been afforded all those who care, and the comfort which that might bring will undoubtedly constitute the final reward far more frequently than the satisfaction which derives from a happy compromise mutually agreed upon.

This being so, consideration should also be given the matter of appeals from planning decisions made by municipal councils. The mechanics of appeal are discussed in later pages. At this point, it is important to record the recommendation that a "planning ombudsman" be appointed by the Province. His role should be that of ensuring that the rights of individuals and groups are protected throughout the planning process, and that their interests are fully and ably presented in any decisions appealed to the Minister for review on the basis of infringement of those rights. In providing such assistance, the office would fill an important gap in the present procedures on appeals, a void consistently pointed out by the Ontario Municipal Board in its actions and decisions over the past several years.

b) Wider-than-Neighbourhood Participation

There are many major municipal planning issues which transcend neighbourhood limits, and which are city-wide or regional in scale and impact. It is not always easy to determine what are neighbourhood issues, and what are city-wide. Urban freeways, transit routes and airports are perhaps currently dramatic examples of such issues, which might also include broad housing and density policies, downtown renewal projects, significant historical buildings, etc. Not only are the issues different from neighbourhood issues, but the people who are

The new interest of people in their cities is shown by the "Sunday Walks" of Metro Toronto Parks Commissioner Tommy Thompson.

involved or who seek to be involved in them also tend to be somewhat different.

Although it has been part of the municipal planning process from the beginning, the importance of public interest and involvement at wider-than-neighbourhood levels should be thoroughly evident by now; particularly in bringing fresh critical appraisal based on alternative values in major public policies and projects (e.g., Spadina Review Corporation and Metro transportation policies, the Confederation of Resident and Ratepayer Associations (CORRA) and the Metro Centre hearings). What remains obscure is how to establish and support effective machinery for such activity on a continuing basis.

Many means have and are being tried, but in the absence of political parties at the municipal level there is no formula in sight which promises a sustaining kind of organization that might be duplicated in a number of large municipalities throughout the province. The branches of the Community Planning Association of Canada became institutionalized over time, and succumbed. The Spadina Review Corporation, although one-shot, was at least successful in broadening the issue of one expressway into a reappraisal of Metro (and provincial) transportation policies, but its inmitators in St. Catharines, Ottawa, etc. remain focussed on the single original issue. CORRA aquitted itself well in the Metro Centre hearings, but no constituent ratepayer group was directly involved in that case. What remains a question is whether federations of neighbourhood groups can or will acknowledge that the sum is more than a collection of its parts, and that there are legitimate city-wide interests and initiatives that should not be subverted by localized objection. At this writing, a Civic Improvement Corporation is seeking private contributions to support a continuing citizen organization addressed to a broad range of issues at the metropolitan scale in Toronto, but any success it may achieve in getting established would not necessarily be transferable to other cities where circumstances, both political and social, may be quite different.

After extensive canvass of opinion, and reflection, it is clear that there is no single best means to involve citizens on a wider-than-neighbourhood basis. Circumstances will vary from place to place and issue, and thus far at least citizens and citizens' groups have amply demonstrated an ability to devise avenues for their involvement. It is recommended that the Province adopt a policy of matching municipal grants in support of citizen activities in the public debate of such issues. It should be emphasized that, in order not to undermine the municipality, the Province should not offer assistance, nor entertain requests, except where the municipal council has already agreed to assist.

c) Recommendations Summarized

Citizen Participation at the Neighbourhood Level
– The Province adopt a policy of matching municipal grants in support of citizen participation in municipal planning projects affecting neighbourhoods.
– The Province offer matching grants to municipalities for hiring community development officers to assist ward aldermen in responding to their constituents.
– A provincial ombudsman be appointed to protect the rights of individuals and groups in planning matters, and to ensure their cases are fully presented in appeals to the Minister on the basis of infringement.

Wider-than-Neighbourhood Participation
– The Province adopt a policy of matching municipal grants in support of citizen participation in study and debate on matters of city-wide or regional impact.

15.2 Notice and Appeals

a) Notice

The Planning Act requires that planning boards "hold public meetings and publish information for the purpose of obtaining participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area" (Section 12 1b). Nevertheless, in the processing of planning applications, public participation is uneven, largely owing to the vagaries of notice and the nature of the municipality. Zonings and rezonings (Section 35) benefit from Ontario Municipal Board regulations as to notice, time for objections, appeals and hearings, and these have been continuously revised and improved over the years. Variances before committees of adjustment (Section 42) follow the same procedures, and so have consents to lot divisions (Section 29) after they were assigned to committees of adjustment. For plans of subdivision (Section 33) no notice is required unless some other kind of application (official plan or zoning amendment) is involved.

Public meetings are expected to be held on official plan amendments, but no formalized regulations as to notice have ever been set. In practice, the zoning rules are usually followed if the matter is sufficiently local, and

newspaper advertisements announce public hearings on larger issues.

Site plan approvals, increasingly important for development control, are not recognized as part of the planning process by The Planning Act, and procedures as to notice tend to be hit and miss (mostly miss). In fact, the prevailing trend is for planning boards to delegate site plan approvals to the planning director, except where he believes that a departure from previously set policies or standards is involved.

The urban renewal section of The Planning Act requires approval of a redevelopment plan by the Ontario Municipal Board, with the result that the Board's procedures as to notice pertain. The section enabling the passage of bylaws setting standards of maintenance and occupancy (Section 36) specifically directs notice to all owners or occupants affected.

Whatever the procedures, formal or informal, they all share a common characteristic: Citizens are seldom involved until after the planning proposal has been prepared – and alternatives are seldom offered. In other words, the observance of Section 12 1b has been aimed chiefly at obtaining the co-operation of the inhabitants, rather than their participation.

Clearly, legislative changes are long overdue. It is recommended that The Planning Act be amended directing that notice be given to persons and groups which may be affected, of receipt by the municipality of planning applications of *all* kinds, and of the public hearings which must be held in connection therewith; where it is council's intention to examine the application. The council should not be required to send notice of an application which, in council's judgment, is fatuous or frivolous, and is to be dismissed out of hand, since there is no point in stirring everybody up over nothing.

The possibility of a worthwhile application suffering from a too hasty judgment of this kind seems remote, based on observation of experience over the years, and is covered by the appeal procedures open to the applicant, in any event.

Notice at the outset should also be required where major planning projects are initiated by a municipality (i.e., municipal structure plans or district plans or comprehensive amendments thereto, zoning bylaws or comprehensive reviews, renewal studies and schemes, etc.). Such notices should specify how citizens will be able to participate, when and where meetings are to be held, how and when working committees be established.

The Minister should be empowered to issue regulations establishing procedures to be followed for each type of planning project. These things seem to be important:
– The style should tend toward commonsense language, rather than legalistic style.
– Consistency in procedures should be maintained wherever possible.
– Municipalities should have guidance as to when individual notices are to be required and where newspaper advertisements will suffice.
– "Persons and groups affected" should include any neighbourhood associations registered with the municipality for the purposes. (This, of course, places the onus on groups to record their existence and mailing address with the municipality.)
– For individuals, the general "within 400 feet" rule instituted by the Ontario Municipal Board seems to have stood the test of time fairly well in urban situations. For rural and resort rural circumstances, more flexible practices are required, and some research into this question appears to be in order.
– Where new developments are under construction, the municipalities should be required to make reasonable effort to notify new home purchasers not yet listed on the tax roll.
– Where applications are necessitated by new shopping centres or extensions, the 400 foot rule should be extended to include other existing or approved commercial developments likely to be affected.
– Persons receiving notice should be entitled to receive details of the application from the municipality on request.
– Municipalities will require direction as to where notices should be bilingual, or multi-lingual.

b) Appeals

In preceding sections, it has been recommended that where suitable circumstances prevail, all planning applications be approved by municipal councils. The only exception recommended is the municipal structure plan and amendments thereto, approvals of which should remain vested with the Minister. It has also been recommended that appeals from municipal council decisions should be heard by an Inspector, appointed by the Minister and supported by qualified staff, who would conduct a hearing involving all parties, along the lines of the system operated in the United Kingdom.

What has yet to be discussed is the nature of the appeals themselves. Reflecting its concern for citizen's rights, the Ontario Municipal Board's present policy is to hold a hearing on a zoning application if advised of an objection of almost any kind. In deciding on requests for references to the Ontario Municipal Board of other planning matters, the Minister almost never refuses (although he now has discretion to do so) unless there is a question of provincial policy involved. (In the latter circumstances, there would be no point, since the Ontario Municipal Board recognizes its function to apply stated provincial policies.)

Although perfectly understandable in principle, the predilection for granting hearings on virtually any and all appeals has serious disadvantages in practice. A project can be delayed for months awaiting a hearing initiated by a letter saying not much more than "We, the undersigned, object". Cases are frequently put together at great public and private expense for a a hearing is a powerful means of imposing unwarranted appears to offer only a token opposition. Since there are no sanctions against such conduct, the threat of forcing hearing is a powerful means of imposing unwarranted demands on an applicant who is pinned to a tight development schedule.

The dismissal of appeals without a hearing is essentially repugnant but insistence on some responsibility in the process is not. If, as has been recommended, the Minister is empowered to make orders as to costs for hearings, both appellants and respondents will be obliged to present a reasonable case at the hearing.

c) Recommendations Summarized

Notices
– The Planning Act be amended to direct municipalities to send notice to all persons affected of receipt of planning applications of all kinds, and notice of the initiation of major municipal planning projects by the municipality; and that the same apply to all hearings to be held in connection therewith.
– That the Minister be directed to issue regulations as to notice and hearings with respect to planning applications of all kinds and with respect to major municipal planning projects, in various sets of circumstances.

Appeals
– That the amendments to The Planning Act vesting decisions on appeals in the Minister also empower him to make orders as to costs of the hearings.

Chapter 16

Improving the Social and Economic Consequences

Although the municipal planning process has thus far been directed toward essentially physical objectives, it has also contributed to a number of untoward economic and social conditions. In Part I, these were identified as high land costs, high costs for housing, questionable growth patterns, deficient social facilities and threatened environmental quality. It was noted that some of these consequences tended to be more pronounced where the municipal planning process had operated most vigorously.

In reviewing the past twenty-five years, the impression is gained from many who were involved in municipal planning that those consequences were inadvertent. To the extent that economic considerations were entertained, these were mainly in terms of the direct costs of growth to municipal and educational budgets. Social considerations seldom extended beyond the provision of space for those facilities which could be related to specific land use requirements. A broader evaluation of the impact of the process seems not to have been studied.

Accordingly, the improvement of the social and economic consequences of municipal planning should be regarded as an equally important objective for the Seventies. Efforts to that end should proceed hand in hand with the strengthening of the municipal planning process, and its extension across the province during the coming decade.

16.1 High Land Costs

The containment of urban sprawl and the confinement of development within the limits of municipal capacity to provide utilities and schools were eminently sound planning policies. One may well shudder to contemplate the physical damage to the environment which would have occurred, and the costs involved in its rehabilitation, had the municipal planning process not succeeded as well as it did in the pursuit of those policies. Unfortunately, the constraints thus imposed on the supply of developable land have, after twenty-five years, resulted in land costs which are really quite beyond all reason in those parts of the province where demand has remained continuously high. This has placed a heavy economic burden on the public, and to the extent that housing costs have been affected, has resulted in important social consequences as well.

It is not argued here that these latter costs are worse than, as bad as, or even measurable against the costs which would have stemmed from unfettered urban sprawl. Indeed, it seems questionable that either set of costs could be quantified for reliable comparison in any event. What is suggested is that the high land costs really need not have occurred.

There are two principal means whereby land prices can be kept in line in a climate of development, both of them well known. The first method depends on extensive public investment in roads, utilities, etc. so that the supply of serviced land available for building, comfortably exceeds demand. Cities such as London and Kitchener-Waterloo offer convincing evidence that this method can be reasonably effective in keeping sprawl well contained while land prices remain reasonable, at least in urban areas of medium size.

For larger metropolitan areas, this has not been proven to be effective so far. The public investment in infrastructure in and around Metropolitan Toronto during the past twenty years has been no less than astonishing. Nevertheless, land prices have risen steadily throughout that period to unprecedented levels. The most discouraging aspect of the whole exercise has been the extent to which all that public investment has created unearned increment for private speculators in land.

The Province has recently intensified its participation in the provision of trunk services with the South Peel Scheme (providing trunk sanitary sewers and water-mains for the West Credit and Brampton-Chinguacousy) but this has not effected any appreciable reduction in land prices. On the other hand, it could be asked what land prices in the Toronto-Hamilton corridor might have reached without the South Peel Scheme.

The Central York Servicing Scheme recently announced is, according to early proposals, too far off in its major components to afford any relief to the current round of

Orderly planning also has its price in the high costs of land. The land is there, but it can not be developed until services are available.

lot price increases in the metropolitan orbit, even assuming that early municipal agreement can be obtained to the proposed user charges which will derive from the project. In fact, quite the reverse is happening, and this example points up the urgent need for interim servicing proposals to accompany the announcement of such long range schemes as Central York. Its immediate impact has been a virtual paralysis on land development north and east of Metropolitan Toronto, and the resultant scramble for the few building lots available has sent prices zooming.

These major engineering works are obviously commendable as ultimate pollution control measures, but one-dimensional thinking which shrugs off the impact on land costs of three- to five-year freezes on development should not be tolerated by the government. Legitimate concern for the environment need not entail a veto power in the hands of the Ministry of the Environment. In the case of Central York, for example, there are many existing sewage treatment works which can be enlarged, and new high efficiency plants can be installed (e.g., Markham's John Street plant) to accommodate continuing development without threat to the environment until the grand scheme is constructed all the way from Ajax to Newmarket during the next decade.

In this, the Province might be guided by the Metro experience of the Fifties. When septic tank subdivisions were curtailed after 1954, Metro wisely did not freeze all development until the new trunk sewers could be brought up from the lakshore treatment works. Numerous upstream plants were enlarged, or new facilities built (e.g., Weston, Baker Downs, Glendale, Don Mills, Bayview Village etc.) and, as a result, a quarter of a million people found housing on lots at reasonable prices. The rivers are really no worse today for that experience, and technology can produce much more efficient sewage works now.

As yet no provincial servicing proposals have been advanced which might open up a new supply of serviced lots in high demand resort areas such as the Beaver Valley, where lack of utilities has effectively closed off the supply.

The principal means employed to reduce land costs involves land banking. Public bodies purchase tracts in advance of development and, when trunk services become available, sell parcels of land ready for servicing, or sell or lease serviced sites to public or private builders. The advantage is that the public benefits from the public investment in infrastructure.

North Pickering offers the promise of government action on a scale sufficient to exercise a real influence on lot prices in the eastern metropolitan market, but not until the first stages come on stream in three or four years. Hopefully, this will be repeated on a similarly influential scale elsewhere in the province where growth pressures are or will be high in response to economic growth patterns.

After more than fifteen years of inactivity in land banking in Ontario, the federal government has announced amendments to The National Housing Act which promise renewed federal initiatives in this field. It seems evident that the Province will seize every opportunity to co-operate in adding to the inventory (thus far assembled mainly by Ontario Housing Corp.) of potential land for development. Hopefully, studies are now underway to define tracts suitable for purchase, and to set priorities for their development within the context of emerging provincial plans.

As land banks return to public favour, it will be important to remember, amid the rhetoric, that they will do little to reduce land prices in the short run, and they will not provide all of the answers in the long run. In order to obtain lower prices, a land bank must be purchased at a location distant from the leading edge of development. Because some time will necessarily elapse before roads, utilities etc. can be extended to serve the site, its effect on lot prices within the adjacent market area cannot be expected to be felt for several years.

It is therefore imperative that efforts be redoubled in the interim period to facilitate private development activity. Not only must the municipal planning process be accelerated, the provincial planning process must be speeded up as well. The latter implies early government decisions on TCR refinements and population allocations, the locations and widths of the various parkway belts etc., which currently impose a planning freeze on many hundreds of acres with immediate development potential. Also required is the utilization of all interim servicing possibilities, and a review of the current moratorium on high performance upstream sewage treatment plants and extensions.

For the long term, it will be essential to recognize that the development of land-banked properties must add to, rather than simply replace, private land development activity. Otherwise, the shortage of lots will persist and the price of housing will remain high. Speculative activity will merely shift from the raw land to the completed dwellings (as began to show in early 1973).

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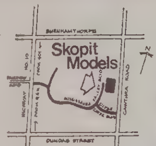

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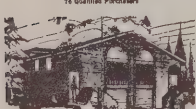

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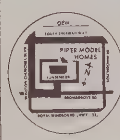

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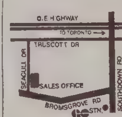

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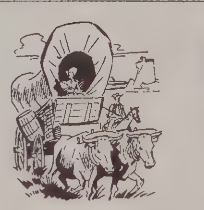

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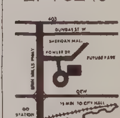

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16.2 Housing Costs

Spiralling land costs are only one of the factors attributable to the planning process which contribute to the steady increase in housing costs. The remaining factors are the requirements for floor areas, attached garages, bedroom counts and the housing mix. (i.e., the mixture of single family type dwellings of various sizes, semi-detached dwellings, townhouses, apartments, etc. in a housing scheme) that are fixed during the approval process for residential developments. The municipal planning process, as it has functioned to date, has left these decisions to the municipalities. This is as it should be, provided there are guidelines from the centre which will ensure that provincial housing objectives will be carried out, and provided that conditions amenable to a socially responsible municipal decision have been created.

With respect to the latter, the transfer of education to regional or county boards has had a salutary effect. With the heaviest single component of municipal taxation having been spread over the full resources of an area, municipalities are less inclined toward "planning by assessment". However, there are still municipalities which consistently disfavour specific housing types, and there is disturbing evidence of mounting antipathy in some localities to publicly assisted housing, and in others, toward higher density configurations of any kind.

It is clearly insufficient to permit these important aspects of housing cost and supply to be determined on a totally *ad hoc* basis. The necessity for a provincial policy on housing has been recognized in the creation of The Ontario Task Force on Housing Policy. It is vital that a set of policies be adopted within the context of comprehensive provincial plans. Only in the light of such policies can appropriate and equitable allocations be made between the public and private sectors of the housing industry, and a rational distribution of each to regional municipalities be determined. Thereafter, it is probable that a monitoring system will have to be put in place to ensure that the planning process can no longer be employed to inflate housing costs, and so exclude segments of the population from a municipality.

16.3 Economic Development Patterns, Social Facilities, Environmental Quality

The municipal planning process has already demonstrated some capacity to implement provincial policies of many kinds. Rural residential development, the preservation of highway rights-of-way, airport noise cones, and septic tank prohibitions are examples which come quickly to mind where provincial policies and plans rely at least in part on municipal planning activities. The recommendations contained in this review are intended to encourage provincial recognition and use of the municipal planning process to the full, and it is expected that many recommendations will result in strengthened municipal planning capability for those purposes.

With this in mind, it is obviously all the more vital that the proper provincial policies are formulated, and clearly stated. After all, to the extent that it may be involved in implementation, a strengthened municipal planning process will accentuate any damage arising from improper policies, or from good policies misunderstood.

Throughout this review, reference has been made to three important areas of provincial policy where the municipal planning process will have some (but by no means the whole) part to play in implementation. They are; economic development patterns, social development policies, and the preservation and enhancement of environmental quality.

With respect to the first question, the emergence of provincial planning as a continuing activity of the Ontario Government was described earlier in terms of its potential for establishing growth patterns and priorities. As has already been observed, the choice of form, if a choice remains, is between a series of provincial regional plans, or a single overall structure plan for the province. Obviously, there are inherent dangers in assigning quantities of economic development and growth to some parts of the province without an overall frame of reference. It will be evident from the tenor of these pages that this review would endorse an overall provincial structure plan without qualification. In any event, it is plain that the government is now applying significant effort in a field too long neglected, and no more can or need be said at this point in time.

Social facilities and services cover a wide range of programs for human betterment, only some of which may find a direct reflection in municipal plans and programs, even allowing for an expansion of the process to include greater consideration for social objectives than has been evidenced in the traditional physical plans of the past. The importance of research into the needs for social services of various kinds for different age groups, income levels, ethnic backgrounds, occupational categories, and geographic locations has been stated earlier. Some reassignment of responsibilities for deliveries of such services between governments at each level, and the private sector, may prove to be advisable. In short, what is required is nothing less than a comprehensive set of objectives and implementing policies for social development in the province. A very tall order indeed. For municipal planning, a clearer picture should emerge of how the process may contribute more genuinely to "the health, safety, convenience and welfare of the inhabitants" of Ontario.

During the past fifteen years, the government's concern for environmental quality has led to the establishment of a number of regulatory and construction agencies concerned with air and water management, pollution abatement, and conservation which, taken together, now comprise the Ministry of the Environment. Many of their programs have a very direct bearing on the municipal planning process, and the agencies concerned, through their scrutiny of municipal plans and private development applications seek to ensure that provincial policies will be implemented. Thus the Air Management Branch might veto a residential rezoning adjacent to an industrial use, the Division of Sanitary Engineering could intervene in a proposal to provide an upstream sewage treatment facility, and the Conservation Authorities Branch would insist on the observance of regulations for "hazard lands". The Niagara Escarpment Task Force, an inter-departmental committee has, with broad brush strokes, effectively frozen municipal planning as well as private development the whole length of the escarpment.

The recent and propitious regrouping of provincial agencies within the new Ministries is intended to facilitate co-ordination. What is also required is consideration of the impact of environmental programs on other provincial objectives; for example, housing and housing costs, as described above.

Neither in the social development field, nor in the environmental quality field, have comprehensive approaches been taken to the definition of objectives and the establishment of implementing policies at the provincial level. However, the Ontario Economic Council is, at this writing, studying terms of reference for in-depth reviews in both of these areas, as parts of its program of producing social and economic goals for consideration by the provincial government.

Recommendations Summarized

It is recommended that:

– Pending the implementation of major trunk servicing schemes in high demand market areas, the Province determine and act on all practicable measures to provide interim servicing capacity, in order to alleviate the scarcity of developable land and reduce land costs.
– The Province initiate a study of properties suitable for acquisition as part of a large-scale, long-term land bank program built up in co-operation with the Federal Government under the new NHA provisions. In so doing, special attention should be directed to parcels which will offer immediate relief to high lot costs in major market areas.
– Current work on a comprehensive set of provincial housing policies be completed, including regional allocations between public housing agencies and the private sector, and on guidelines for municipalities in the application of restraints on housing mix, housing types, floor areas, etc.
– Comprehensive studies be initiated to define provincial objectives and implementing policies for both the Province and the municipalities in the fields of social development and environmental quality.

Chapter 17 Conclusions

The extension of truly effective municipal planning process over the whole province was postulated as a worthy goal for the 1970s. Given the legislative amendments and the changes in provincial policies and procedures recommended in this review, that goal is thought to be realistic, although far from easy.

The proposals have been aimed at four principal objectives: a provincial planning program which will provide a proper context for municipal planning, a substantial betterment in planning activity at the municipal level, a process more accessible for public participation and more sensitive to popular needs, and a greater consideration for the social and economic consequences of the total planning process in action.

This review offers seventy-seven specific recommendations directed toward those objectives, but a single consistent theme underlies every one of them. That theme is the paramount importance of strengthening the municipalities to do their job. If municipal planning has any significance it must be made to function better. In the future, as in the past, the most useful legislation and the most effective provincial policies will prove to be those which reinforce municipal capability, not only for plan making and processing, but for administrative purposes generally. In the local government reorganization program, the Province is already proceeding with the most essential step in the evolution of better municipal administration generally. The recommendations contained herein are largely accessory to and supportive of that critical program.

The two mainstays for municipal planning and management are broad public confidence and unwavering provincial backing. Conversely, their lack is the most serious threat. Experience indicates that, if direct provincial intervention is substituted for provincial policy guidelines, the advantages of the municipal reorganization program will be largely dissipated. The search for more responsible local government seems unlikely to be rewarded by solutions which remove decisions from those duly and democratically elected. Despite these axioms, the trend toward administrative centralization in provincial hands is everywhere evident, and there is undeniable publicity value and influential support for measures which will emasculate municipal authority. The degree to which these temptations are resisted will be at least as important for municipal planning as the implementation of the positive proposals put forward in this review.

In municipal planning, as in any aspect of municipal administration, the proper provincial role is to formulate clear policies, and to provide legislative, financial and technical support which will place the municipalities squarely on their feet. The government already knows this and, if it will stick to it, the provincial planning effort will be free to address itself to problems which are truly provincial in scope and challenge. Acting within the legislative and policy guidelines set by the Province, strong municipalities and their voters will prove capable of determining the proper course for their municipal planning programs.

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Appendix

A. Terms of Reference

The Ontario Economic Council, being engaged in a program of studies to review the economic and social goals of the Province in the Seventies, requires to have reviewed in retrospect the municipal planning process in Ontario.

The objective, therefore, is not to study provincial development or provincial policy on development in the regional economic sense, but to review, evaluate and recommend the way in which provincial policies, once stated, have been or should be implemented at the local level, more specifically:

1. To document the development of provincial policy governing municipal planning in the post-war period;

2. To review the procedures and administrative systems created to implement these policies at the provincial and municipal levels;

3. To assess the adequacy of the procedures and administrative systems in meeting policy objectives;

4. To evaluate the policies in the light of changing conditions; and

5. To make such recommendations on policies and administrative systems as are deemed desirable to meet future requirements.

B. An Historical Perspective

The latter years of World War II were marked by a rising concern lest the termination of hostilities be followed by an economic depression similar to that which followed World War I. This concern was perhaps tempered by the expectation that there would be a demand for goods and services, particularly housing, and that the communities of Ontario would probably be destined for some degree of urban expansion.

The depression had brought about a virtual cessation of urban development particularly in terms of social capital, streets, utilities, schools, etc., and the war demanded the channeling of resources to support the armed forces. Thus the year 1944 found Ontario at the end of a decade and a half during which little had happened to improve the urban fabric that had resulted from the active years of the 1920s. Indeed, a lack of maintenance and investment had rendered this fabric somewhat worn.

It was against this mixed background of concern and expectation that the provincial government realized that special measures would be needed if the potential problems were to be met. The idea of planning in Ontario was not new. There had already been some thirty years of legislation and a longer history of expressed interest which can be traced back to the early years of the century, and the Reports of the Canadian Commission on Conservation by Thomas Adams. However, there had never been any cabinet minister or department to concentrate attention on planning.

The years 1943 and 1944 saw the production of a number of reports by various departments and commissions on mining, conservation, agriculture, roads, housing, and trade, and the implications of these brought the government to the realization that a separate department was desirable to co-ordinate their activities. Thus the Department of Planning and Development was conceived and established early in 1944.

The Bill to create this department was introduced into the House on February 24, 1944, by the Premier of Ontario, George Drew. In introducing it the Premier noted significantly that

> "It will be the first function of this new department to co-ordinate the many planning agencies now looking to the future, and also to stimulate new planning in directions which have not yet been explored by any organized effort."

The central thought of co-ordination was clearly uppermost in the Premier's mind and in the rest of the speech he foresaw a wide scope for the new department.

Seconded by Leslie Frost, the Bill was assented to on March 14, 1944.

While this Act set the stage for the provincial government to plan its own affairs, there followed almost immediately a concern for legislation appropriate to the affairs of the municipalities in the province. In the next two years, there were meetings between ministers and department heads, and with municipal representatives from throughout the province on the matter. The result of this was the drawing up of a completely new Planning Act.

This Act was introduced to the House in March 1946 by Hon. Dana Porter, who had been appointed Minister of Planning and Development. The guiding philosophy towards municipal planning that went into the framing of the Act can be best summed up by the Minister's answer to a question concerning its role; he said that

> ". . . . nothing in this Act is intended to interfere in any way with the political independence of a municipality . . . ."

and then continued to amplify an intermediary role whereby the Department would bring municipalities together to encourage common planning and a sharing of interests.

The 1946 Act repealed and replaced an earlier statute, The Planning and Development Act (RSO 1937, c. 270), which, in turn, had its foundation in The City and Suburbs Planning Act 1912.

The Planning and Development Act had applied only to land in cities, towns, villages and urban zones around them. "Urban zone" was defined to mean generally the

areas within five miles of a city, three miles of a town or village. The Act provided for the adoption of a "general plan" by the municipal council of the city, town or village or, alternatively, by a town planning commission appointed by it.

The general plan was to show all existing highways and all proposed widenings, proposed highways, parks, other public grounds and public improvements. Provincial government approval of the plan was mandatory. Before it could be finally adopted by the council or the town planning commission, as the case may be, it had to be approved by the Ontario Municipal Board.

The general plan was most significant in the subdivision control process. No plan of subdivision could be registered unless it was approved by the Ontario Municipal Board and the council of the relevant city, town or village, and if the land being subdivided was located in an urban zone, by the township council as well. Each council and the Board, in deciding whether to approve a plan of subdivision, were required by the statute to have regard *inter alia* to the conformity or otherwise of the proposed plan of subdivision to the general plan.

The general plan envisaged by this Planning and Development Act then, was close in philosophy to the master plan provided for by the United States Department of Commerce in The Standard City Planning Enabling Act published in 1928 and utilized as a model for planning enabling legislation by a large number of states in the United States.

The Planning Act 1946 effected a major overhaul of both the planning system and tools. Statutory planning was extended to townships, in addition to cities, towns and villages. The basic planning unit, the planning area, could coincide with the boundaries of a particular city, town, village or township, but in theory was not required to do so. It was to be defined by the Minister where "a council is desirous of having an official plan".

On the assumption that ordinarily a planning area would comprise a single municipality, The Planning Act 1946, provided for the definition of planning areas, which would include the whole or parts of two or more planning areas to replace the concept of the urban zone which allowed an expanding urban centre to exercise limited control in respect of fringe growth.

There was to be a planning board for each planning area. It was to be a body corporate and its members were to be appointed by the council of the designated municipality in the planning area. The Act defined the powers and responsibilities in the planning system of the planning boards, the municipal councils and the provincial government, respectively.

The Planning Act 1946, also established the "official plan" as an entirely new planning instrument. Once a planning area was defined and a planning board appointed, it was to begin the process of preparing a plan. Ultimately a plan was to be recommended to the Minister for approval as the "official plan" for the planning area. In deciding whether or not to approve the plan, then as now, the Minister had a broad responsibility to consult, among others, the relevant departments of the public service and The Hydro-Electric Power Commission. He could reject or approve the plan with or without modifications. Again, then as now, an official plan could be revoked or amended only by going through a similar process and obtaining the Minister's approval.

The definition of the "official plan" in The Planning Act 1946, is close to the definition of that term in the current legislation, although it clearly emphasized the acccommodation of anticipated growth. It meant,

> "a plan consisting of maps and explanatory texts prepared and recommended by the planning board and adopted and approved as provided in this Act, covering a planning area and showing a program of future development, including the regulation of the use of land, buildings and structures or the location of buildings and structures . . . . and any other features designed to service the health, safety, convenience and welfare of the inhabitants."

Once an official plan for a planning area was approved by the Minister, no public work could be undertaken that was not in conformity with it except on a two-thirds affirmative vote of all the members of the council of the municipality where the work was to be undertaken.[107] If there was a conflict between an official plan (which could include the regulation of the use or location of land, buildings or structures as the case may be) and a zoning bylaw, the official plan was to prevail.

In many of its basic elements the system for official planning established in 1946 continues to the present day, although, of course, there have been important changes in detail and definition.

107. "Public Work" was defined to mean a "municipal undertaking or improvement of a structural nature that is within the jurisdiction of the council or a local board."

The Drew Years, the Forties

The Premier had taken a great personal interest in planning for the post-war world and had intended to be Minister of Planning and Development as well as Premier. In such a dual capacity he would have been in an ideal position to perform the co-ordination function and inspired, it is said, by the example of the Tennesee Valley Authority, to do the planning and development that he believed the Province would do. However, as events turned out, he gave his attention to other things, notably education, and appointed Mr. Dana Porter to head the new department.

This change had a profound effect on the course of both co-ordination and planning. Although the new Minister was an able man, he was not in any superior cabinet position, and was simply an equal to other Ministers. As such he might persuade them, but could not direct them in a way the Premier might. Effective co-ordination and planning demand direction, since differences are inevitable in the political world and since the established operating departments of the provincial administration were entrenched on vertical lines. In this instance they proved in short order that co-ordination could not be achieved without the direction of the Premier. The Planning and Development Department therefore evolved along completely different lines. It became a collage of tenuously related activities having generally to do with postwar growth. Its programs were administered by four Branches initially:

Trade and Industry (a sort of Ontario Industrial Commission set up to attract and facilitate the establishment of new industries).

Community Planning (to administer the new Planning Act).

Conservation (to administer the new Conservation Authorities Act).[108]

Veterans' Affairs (which was soon phased out because of federal activities in this field).

Later, a *Housing* Branch was added, in anticipation that private building would not succeed in meeting demand.[109]

Far from co-ordinating other departments, P&D was itself unco-ordinated. After its first director's early and disillusioned resignation, the Department functioned without a Deputy Minister for all but the last few months

Premier George Drew (in office 1943-48), whose administration brought to Ontario its first significant planning legislation.

108. Which was, incidentally, the only manifestation of the TVA river basin development concept which had inspired the Department's initiators.
109. Which ultimately proved to be the case for a wide segment of the income range. Ontario Housing Corporation, direct lineal descendant of the old Housing Branch, is now the second largest public housing authority on the continent.

of its existence. The Branch Directors reported directly to the Minister.

This narrative is concerned with the functions and the fortunes of the Community Planning Branch, the Planning Act that it administered, and the municipal planning process that it sponsored.

The new Branch had two primary tasks, the first in administering applications under the Act for which ministerial approval was required; the second, to promote and foster planning at the municipal level. From the beginning, the main energies were devoted to the first assignment. With an initial staff of eight or ten, there was little other choice in the face of the applications, especially subdivision plans, which soon flooded in with the postwar development boom. It was wholly in keeping with the permissive spirit of the Act to adopt a more passive stance toward the municipal planning side. Besides, the early enthusiastic response from many of the larger urban centres encouraged a less aggressive view of the need for provincial activity in the promotion of planning at the municipal level.

One topic of potential import that was debated in the early years was whether planning should be mandatory and whether five-year reviews of official plans should be required. Initial opinion leaned toward both these views, to the extent that a draft Act for mandatory planning was prepared within the Department. Those who were associated with the Branch at the time recall that the evident lack of staff and of funds for the purpose at either the provincial or municipal level was the reason the proposal was dropped. In fact, broad political acceptance for mandatory planning did not exist, and, as events were to prove, it was a long time coming.

Notwithstanding the difficulties, the early years were ones of great optimism as they usually are in new agencies with new programs. It was believed that planning would be recognized for its own good and that municipal plans would be forthcoming voluntarily and would soon cover all important areas. The belief even extended to the point, as one reminiscence revealed, that adequate planning at the local level would lead to an eager acceptance at all levels.

The Frost Years, the Fifties

The decade of the Fifties was pre-eminently the age of the postwar boom, for Ontario, indeed for the nation. The demands for raw materials and for space to accommodate people led to an explosion of development in all

Leslie Frost (1949-61) established the first metropolitan government (Toronto) in North America, but Ontario's planning machinery wasn't quite adequate to the boom.

directions. In an atmosphere of growing wealth and material concerns, local autonomy and entrepreneural opportunity remained unquestioned. The feared depression did not materialize, and the market could be left to perform its appointed function, for land as well as for other goods.

However, after the first blush of enthusiasm in some of the larger centres, it was evident that municipal planning was not gaining wide acceptance across the province. Some serious financial and servicing problems were emerging as a result. The feeling grew that planning should be encouraged actively rather than passively, and the government's attitude evolved from permission to hortatory. The Community Planning Branch began to step up its efforts in the encouragement and education of municipalities.

The implementation of this was, as much as anything, related to the numbers of trained personnel available, and throughout the Fifties planning interest increased, as more planners became trained or arrived from overseas. By the end of the decade, the Community Planning Branch staff number had grown to some 80, about half of whom were professional people in fields allied to planning.

This policy of encouragement was made manifest in two ways. First, through a program of address and advice in which staff members (and on appropriate occasions the Minister) would visit municipalities by invitation or pretext, to spread the gospel; second, through discussion or dissuasion when some matter was submitted for ministerial approval which might not be for the best when viewed by a planner. In all of this, however, the policy of respect for local autonomy continued, it was very seldom that the Minister would refuse to approve an application bearing strong local support.

The government sometimes acknowledged its responsibility for initiative in special instances. In 1953 it created the first metropolitan government in North America for the Toronto municipalities, with a planning jurisdiction extending beyond the municipal boundary to include adjoining townships. During this period, too, the Branch enjoyed its major excursions into the actual planning and development field, in the creation of the new towns of Elliot Lake and Manitouwadge in response to prominent mineral finds. Both were major achievements in the face of severe logistical and topographical difficulties. Regrettably these events proved to be isolated highlights in a rather barren decade for municipal planning.

As the years progressed, the development boom matured, and the initial optimism wore quite thin. Professional staff at the local as well as the provincial level usually found that their exhortations fell on deaf ears when municipalities had vested interests in promoting development or in competing for assessment. By the end of the decade, it had become all too evident that the early hopes of provincial activity and municipal initiative for planning were not being fulfilled. Even where municipal planning had been started, the results were not always praiseworthy. Thus one office memorandum of the time summed up the first ten years of the Branch by noting that some 160 planning areas covering 240 municipalities and representing 77 per cent of the total population in the province had been defined, but that

". . . . In the opinion of the writer a large number of these planning areas, perhaps 30 per cent to 40 per cent, could better have gone undefined because in these cases there is either no planning program at all or there is a program called a planning program which would have been better sealed in a box . . . ."

The same memorandum prophetically suggested the following policies for improving the situation:
1. The development of field staff to offer advice on a regional basis.
2. The initiation of planning conferences on a regional basis, particularly for small municipalities.
3. The propagation of joint planning areas as the means whereby small municipalities could combine their resources to solve common problems.
4. The publication of monthly newsletters and planning data sheets to keep municipal planners abreast of new methods and techniques.
5. The publication of technical manuals showing how to undertake basic planning projects of various kinds.
The notion that any planning was good planning had quite died away, and the new concern was for improvement in the process and its product.

Characteristic of the mood of underlying the policy of the Fifties, was an article in The Globe and Mail in 1958 that reflected

"The policy of the Department of Planning and Development on planning in Ontario is entering a period of review. It is the intention of the Province to provide more guidance from the top but there will be no imposition of ready-made schemes on local authorities. The initiative for planning must remain at the local level. . . . . In the Community Planning Branch, the policy is given of there being no intention of forcing municipalities to plan together or of imposing regional plans for areas like the Niagara Peninsula. The aim

is that of encouraging local authorities to plan on a county basis or wider but not to tell them to do so."

The Robarts Years, the Sixties

In 1959 the Community Planning Branch was transferred from the Department of Planning and Development to the Department of Municipal Affairs. This brought what was essentially a municipal operation into the department that dealt most directly with such affairs. At the same time, it removed for the time being any lingering notion that one department might co-ordinate the activities of other departments. Submerged too, was the possibility that the Community Planning Branch might have a significant planning role. The position of Chief Planner in the Branch disappeared shortly afterward, notwithstanding the capability of the Branch for plan-making and development, recently proved in the new mining towns.

The early and middle Sixties witnessed a very sharp increase in the planning capability at the municipal level. Professional staff became available as the Canadian universities began to turn out graduates in greater numbers.

Especially noteworthy, in terms of substantive planning results, were the two programs whereby municipalities obtained direct assistance, in the form of grants and advice from the senior government in municipal planning. The first of these programs was the series of comprehensive transportation planning studies sponsored and funded, in the main part, by the Province through the Department of Highways. These studies included land use, demographic, and economic base studies as well as transportation plans (although only the latter aspect was subsidized) which provided much improved content for municipal plan-making and processing. At the same time, the municipal planners were exposed to new planning techniques, especially the use of computer simulations for productive planning studies, and for testing alternatives.

The urban renewal studies and schemes, financially assisted in part by the federal government and in part by the provincial government, similarly enhanced municipal planning capability, and brought attention to bear on older parts of the urban fabric which had been somewhat neglected in the earlier concern for new development. Once again, those involved in planning at the municipal level benefitted from the new exposure to different kinds of problems, new techniques, and close working relationship with experienced personnel representing the senior governmental agencies.

Under John Robarts (1961-71) planning took on new strength and sophistication, and a more tangible provincial planning structure began to emerge.

This period also witnessed many of the large annexations and amalgamations which extended the boundaries of the urban centres throughout the province, and which in so doing, did much to improve the jurisdictional base for municipal planning.

Taken together, provincial policies and practices during the first half of the 1960s were rapidly strengthening the municipal planning process, and some commendable results were beginning to be evident in the larger centres which were the recipients of most of the assistance. The obvious next step was financial and advisory assistance for municipal planning of a general kind, rather than for specific projects which, by their very nature, excluded most of the smaller and more rural municipalities. In terms of municipal planning, these tended to be the weakest in any case. As it turned out, this step was not to be taken and events took a different turn.

In retrospect this period can be seen as the one in which the boom matured and many of the problems now widely recognized, were beginning to surface. Almost suddenly, algae in the waterways, pollution in the air, mercury in fish, and other environmental issues captured attention in a society which was perhaps surfeited after nearly two decades of primarily economic concerns.

The importance of sound municipal planing was now recognized by the government, and its hardened attitude was clearly expressed by the Premier in a speech in his home riding to the National Planning Conference of CPAC in September 1964. He emphasized the concern by saying:

"At the outset let me make one point absolutely clear: Effective municipal planning is the most important challenge facing communities throughout Canada today.

". . . . If local government is to survive as a viable element in the governmental structure of Canada, it must accept its responsibility to evolve and to administer a comprehensive plan for the development of the community.

". . . . There is no need for me to dwell on the urgent need for community planning – to do so before this audience would be merely preaching to the converted. I do want to make it clear, however, that the government of this province is convinced that adequate planning is a fundamental and practical necessity in our communities.

". . . . If we are concerned with the maintenance of local autonomy as an essential element in our democratic society, the municipalities themselves must discharge their responsibilities. This can only be done through planning. The alternative is the gradual encroachment in local affairs by the provincial authorities.

". . . . We in Ontario want good effective local government, but if such an essential function as sound community planning is not carried out satisfactorily within local self-government, we may have to explore other alternatives."

The minatory tone of the latter statements foreshadowed one of the very important policy shifts of this period. It was still hoped that voluntary local initiative would produce the needed plans, but now, as never acknowledged before, the government might be inclined to intervene. The speech was portentous.

The second half of the decade was marked by a number of new trends. The local government reviews, which by and large replaced the Ontario Municipal Board as the forum for determining municipal structure, continued to broaden and improve the jurisdictional base for municipal planning. Some of the new or potentially new regional municipalities received financial assistance for planning; but elsewhere the Province tended to retreat from its position of direct support for municipal planning as the first generation of transportation studies was completed, and as the urban renewal programs cooled down.

Instead, provincial energies were channelled in two new directions. At the municipal level, the Province greatly intensified its surveillance over development which was still uncontrolled, and reinforced its attempts to improve the quality of municipal planning through greater supervision of the process.

At the municipal level, planning was not yet mandatory, but the Minister began to withhold approvals where municipal planning was seen to be inadequate. The Planning Act was amended, particularly as it applied to the division of land, to seal off the avenues for development that had remained beyond the Minister's purview.

Matters submitted for ministerial approval were subject to scrutiny by an increased number of provincial agencies, as the wider implications of building, renewing, servicing and transforming the environment were recognized. Municipalities and developers began to receive long letters of comment from the Branch, in which even more detailed provincial requirements and recommendations were set forth. Where previously there had mostly been general policies to do with encouragement, there now emerged more specific admonitions and clear warnings that sound planning must be pursued.

This threw great weight on the Branch staff, notwithstanding its steady increase in size and skills; but many positive results became visible. In general, greater sophistication was evident in the plans being written and now rewritten, and in the subdivisions being designed. Almost all avenues for uncontrolled development were closed, and the sanctity of local autonomy was finally profaned when the Minister imposed subdivision control and zoning orders on a number of communities which were derelict in their municipal planning duty.

Planning had now become an imperative. What a quarter of a century earlier had been a matter of pious optimism to be voluntarily embraced was now a municipal fact of life across most of the populated parts of the province. Where at its inception the word mandatory was unconscionable, the wheel now came the full circle so that the Act establishing the District Municipality of Muskoka in 1970 required that

"The District Council, before the 31st day of December, 1974, *shall* prepare an Official Plan for the Regional Area."

Parallel with the increased supervision of the municipal planning process was the emergence of a provincial planning process during the last half of the decade. The origins can be traced through the earlier activities of the Regional Development Associations (later Councils), and in the Metro Toronto and Region Transportation Study (MTARTS); but the Premier's statement entitled "Design for Development", issued in April 1966 is now generally taken to mark the initiation of this new program. Ostensibly addressed to regional development policy, the speech propounded as an essential principle, the fact that

". . . . this government accepts the responsibility of guiding, encouraging and assisting the orderly and rational development of the province".

This was historic.

That the government meant business this time became manifest when, as part of this program, *The Toronto Centred Region Concept* was published in May 1970. Based on specific provincial goals, this Concept and its subsequent refinements, began a framework for the municipal planning process throughout the most active area of development. It seems certain to be emulated across the province.

By the end of the decade, the municipal planning process was subject to considerable influence from higher levels. During the same period, a second influence was attaining a new prominence. The general public had become interested and aroused, but not enthused by local planning practices.

During the Fifties, public participation in the planning process had been minimal. Founded on new values in society which emphasize quality in life-style and in the environment, public involvement in community planning took on a new vigour with the advent of high-rise apartment buildings. The impact, real or imagined, on low-density neighbourhoods nearby brought the local inhabitants into sharp contact with the planning process. For many, the planner and the planning process became identified with the developer and his process. From this initial conflict dissatisfaction widened to include almost the whole range of private and public development activities which the previous decade had labelled as "progress". Undeniably a product of that earlier decade, and stamped with its values, the municipal planning process undoubtedly faces the Seventies with a serious challenge to its credibility and its capability.

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Regional Municipality of Niagara Act, RSO 1970, c.406.

Regional Municipality of Ottawa-Carleton Act, RSO 1970, c.407.

Regional Municipality of York Act, RSO 1970, c.408.

Registry Act, RSO 1970, c.409.

Rural Housing Assistance Act, RSO 1970, c.418.

D. Conferences and Interviews

1. June 18-19, 1971
Ontario Hydro Conference Centre
Hockley Valley, Ontario
Invited Participants

P. Bruer	Official Plans Section Department of Municipal Affairs
G. Duff	Costain Estates Ltd.
A. Faintuck	Chief Planner Ottawa Planning Board
L.O. Gertler	Director, School of Urban and Regional Planning University of Waterloo
E.A. Goodman	Goodman & Goodman
E.A. Gomme	Supervisor Planning Administration Section Department of Municipal Affairs
D.C. Hefferon	Osgoode Hall Law School York University
H.P. Langer	Markborough Properties Ltd.
Mrs. M.B. Levitt	Co-ordinator of Research Regional Development Section Department of Treasury and Economics
R. Monaghan	Formerly: Chairman Oakville Planning Board
J.M. Wright	Planning Commissioner Ottawa-Carleton Planning Board

2. November12-13, 1971
Ontario Government Staff Training Centre
Kempenfeldt Bay, Ontario
Invited Participants

G.K. Bain	Supervisor, Official Plans Section Community Planning Branch Department of Municipal Affairs
E.A. Diamond	Cadillac Development Corporation Ltd.
G. Duff	Costain Estates Ltd.
G.M. Farrow	Supervisor, Subdivisions Section Community Planning Branch Department of Municipal Affairs
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A.S.M. Pound	Planning Commissioner York Planning Area
C. Vaughan	Robbie, Vaughan and Williams
J.M. Wright	Planning Commissioner Ottawa-Carleton Planning Board

Interviews Conducted

Interviewee	Position	Location
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Interviewee	Position	Location
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A.L.S. Nash	Formerly Director Community Planning Branch Department of Municipal Affairs	Toronto
J.R. Picherack	Supervisor, Research Section Department of Municipal Affairs	Toronto
A.S.M. Pound	Planning Commissioner Regional Municipality of York	Newmarket

Interviewee	Position	Location
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J. Sewell	Alderman City of Toronto	Toronto
M.H. Sinclair	Supervisor Research and Special Studies Section Department of Municipal Affairs	Toronto
D.L. Stein	Formerly: Journalist Toronto Star	Toronto
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R.W. Sutherland	Alderman City of Ottawa	Toronto
D.F. Taylor	Director Community Planning Branch Department of Municipal Affairs	Toronto
C. Vaughan	Robbie, Vaughan & Williams, Architects, Past President CORRA	Toronto
G. Waldie	Past President South Rosedale Ratepayers Association	Toronto
B. Weir	Deputy Commissioner of Planning City of London Planning Board	London
G. Wilke	Action Sandy Hill	Toronto
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W. Wronski	Commissioner-Secretary Treasurer Metropolitan Toronto Planning Board	Toronto

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